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### AMENDMENTS

2010—Pub. L. 111–203, title V, § 502(c), July 21, 2010, 124 Stat. 1588, added items 312 to 315 and struck out item 312 “Continuing in office”.

2003—Pub. L. 108–177, title I, § 105(a)(2), Dec. 13, 2003, 117 Stat. 2603, added item 311 and redesignated former item 311 as 312.

2001—Pub. L. 107–56, title III, § 361(c), Oct. 26, 2001, 115 Stat. 332, added item 310 and redesignated former item 310 as 311.

1994—Pub. L. 103–296, title III, § 312(l)(2), Aug. 15, 1994, 108 Stat. 1530, added item 333.

1989—Pub. L. 101–73, title III, § 307(a)(2), Aug. 9, 1989, 103 Stat. 352, added item 309 and redesignated former item 309 as 310.

1984—Pub. L. 98–302, § 3(b), May 25, 1984, 98 Stat. 218, added item 332.

### SUBCHAPTER I—ORGANIZATION

#### § 301. Department of the Treasury

(a) The Department of the Treasury is an executive department of the United States Government at the seat of the Government.

(b) The head of the Department is the Secretary of the Treasury. The Secretary is appointed by the President, by and with the advice and consent of the Senate.

(c) The Department has a Deputy Secretary of the Treasury appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall carry out—

(1) duties and powers prescribed by the Secretary; and

(2) the duties and powers of the Secretary when the Secretary is absent or unable to serve or when the office of Secretary is vacant.

(d) The Department has 2 Under Secretaries, an Under Secretary for Enforcement, 2 Deputy Under Secretaries, and a Treasurer of the United States, appointed by the President, by and with the advice and consent of the Senate. The Department also has a Fiscal Assistant Secretary appointed by the Secretary. They shall carry out duties and powers prescribed by the Secretary. The President may designate one Under Secretary as Counselor. When appointing each Deputy Under Secretary, the President may designate the Deputy Under Secretary as an Assistant Secretary.

(e) The Department has 10 Assistant Secretaries appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretaries shall carry out duties and powers prescribed by the Secretary. The Assistant Secretaries appointed under this subsection are in addition to the Assistant Secretaries appointed under subsection (d) of this section.

(f)(1) The Department has a General Counsel appointed by the President, by and with the advice and consent of the Senate. The General Counsel is the chief law officer of the Department. Without regard to those provisions of title 5 governing appointment in the competitive service, the Secretary may appoint not more than 5 Assistant General Counsels. The Secretary may designate one of the Assistant General Counsels to act as the General Counsel when the General Counsel is absent or unable to serve or when the office of General Counsel is vacant. The General Counsel and Assistant General Counsels shall carry out duties and powers prescribed by the Secretary.

(2) The President may appoint, by and with the advice and consent of the Senate, an Assistant General Counsel who shall be the Chief Counsel for the Internal Revenue Service. The Chief Counsel is the chief law officer for the Service and shall carry out duties and powers prescribed by the Secretary.

(g) The Department shall have a seal.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 878; Pub. L. 98–594, § 1(a), Oct. 30, 1984, 98 Stat. 3129; Pub. L. 99–190, § 141, Dec. 19, 1985, 99 Stat. 1324; Pub. L. 103–211, title II, § 2003(a), Feb. 12, 1994, 108 Stat. 24; Pub. L. 108–177, title I, § 105(d)(2), Dec. 13, 2003, 117 Stat. 2603; Pub. L. 110–49, § 11(a), July 26, 2007, 121 Stat. 260; Pub. L. 110–343, div. A, title I, § 101(a)(3)(B)(ii), Oct. 3, 2008, 122 Stat. 3768.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
301(a) .....	31:1001(words before 1st comma).	R.S. § 233.
301(b) .....	31:1001(words after 1st comma).	
301(c) .....	31:1004(related to Deputy Secretary).	Feb. 17, 1922, ch. 55(related to appointment and duties of Deputy and Under Secretaries), 42 Stat. 366; July 22, 1954, ch. 557, § 3, 68 Stat. 496; restated May 18, 1972, Pub. L. 92–302, § 1(a), 86 Stat. 148. Jan. 3, 1923, ch. 22(related to appointment and duties of Deputy and Under Secretaries), 42 Stat. 1087.

<sup>1</sup> So in original. Does not conform to section catchline.

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	31:1005.	Apr. 4, 1924, ch. 84 (related to appointment and duties of Deputy and Under Secretaries), 43 Stat. 64. Feb. 17, 1922, ch. 55 (related to vacancy in office of Secretary of the Treasury), 42 Stat. 366; restated May 18, 1972, Pub. L. 92-302, §1(a), 86 Stat. 149. Jan. 3, 1923, ch. 22 (related to vacancy in office of Secretary of the Treasury), 42 Stat. 1087. Apr. 4, 1924, ch. 84 (related to vacancy in office of Secretary of the Treasury), 43 Stat. 64. R.S. §301.
301(d) .....	31:141. 31:1004 (related to Under Secretaries). 31:1005a (1st-3d sentences). 5 App.	May 18, 1972, Pub. L. 92-302, §1(b), 86 Stat. 149. Reorg. Plan No. 3 of 1940, eff. June 30, 1940, §1(a)(7) (1st sentence), 54 Stat. 1231.
301(e) .....	31:1005a (last sentence). 31:1006.	R.S. §234; July 11, 1890, ch. 667, §1 (1st par. under heading "Treasury Department"), 26 Stat. 236; Mar. 3, 1917, ch. 163, §1 (1st par. under heading "Treasury Department"), 39 Stat. 1083; Reorg. Plan No. 3 of 1940, eff. June 30, 1940, §1(d), 54 Stat. 1232; restated July 22, 1954, ch. 557, §4, 68 Stat. 496; July 8, 1963, Pub. L. 88-58, 77 Stat. 76; May 18, 1972, Pub. L. 92-302, §1(c), 86 Stat. 149.
301(f)(1) ...	31:1007. 26:7801(b)(1), (2) (last sentence), (3).	R.S. §245. Aug. 16, 1954, ch. 736, §7801(b), 68A Stat. 915; restated Sept. 22, 1959, Pub. L. 86-368, §1, 73 Stat. 647; Aug. 14, 1964, Pub. L. 88-426, §305(39), 78 Stat. 427; Oct. 4, 1976, Pub. L. 94-455, §1906(b)(13)(B), 90 Stat. 1834.
301(f)(2) ...	31:1009. 26:7801(b)(2) (1st, 2d sentences).	May 10, 1934, ch. 277, §512(a), (c), 48 Stat. 758, 759.
301(g) .....	31:1010 (related to seal).	R.S. §372 (related to seal); May 10, 1934, ch. 277, §512(b), 48 Stat. 759.

In subsection (a), the words "of the United States Government" are added for clarity.

In subsection (b), the words "The Secretary is appointed by the President, by and with the advice and consent of the Senate" are added to conform with clause 2, section 2, of article II of the Constitution.

In subsection (c), the words "carry out" and "duties and powers" are substituted for "perform" and "duties", respectively, for consistency in the revised title and with other titles of the United States Code. In clause (1), the words "in the Office of the Secretary" in 31:1004 are omitted as unnecessary because of the restatement and for consistency. Clause (2) is substituted for 31:1005 to eliminate unnecessary words and for consistency with other titles of the Code.

In subsection (d), the words "in accordance with the civil-service laws" in section 1(a)(7)(1st sentence) of Reorganization Plan No. 3 of 1940 (eff. June 30, 1940, 54 Stat. 1232) are omitted as unnecessary because of title 5. The words "and shall receive a salary at the rate of \$15,000 per annum" are omitted as superseded by 5:5316. The words "carry out" and "duties and powers" are substituted for "perform" and "duties", respectively, in 31:1004 and 1005a for consistency in the revised title and with other titles of the Code. The words "in the Office of the Secretary" in 31:1004 are omitted as unnecessary because of the restatement and for consistency. The words "of the Treasury" in 31:1005a are omitted for consistency with other titles of the Code and as being unnecessary.

In subsection (e), the words "of the Treasury" in 31:1006 and 1007 are omitted for consistency with other titles of the Code and as being unnecessary. The words "examine letters, contracts, and warrants prepared for the signature of the Secretary of the Treasury" and "by law" in 31:1007 are omitted as superseded by the source provisions restated in section 321 of the revised title. The words "carry out" and "duties and powers" are substituted for "perform" and "duties", respectively, for consistency in the revised title and with other titles of the Code.

In subsection (f), the words "carry out" and "duties and powers" are substituted for "perform" and "duties", respectively, for consistency in the revised title and with other titles of the Code. The text of 26:7801(b)(3) is omitted as unnecessary because of 5:3101. The words "is absent or unable to serve or when the office of General Counsel is vacant" are substituted for "during the absence of" for clarity and consistency. The text of 31:1009 (less (a)(6th sentence)) is omitted as superseded by 26:7801(b) as restated in this subsection.

In subsection (f)(1), the words "governing appointment in the competitive service" are substituted for "civil service laws" to conform to 5:2102.

In subsection (g), the words "The General Counsel . . . shall have charge" are omitted as superseded by the source provisions restated in subsection (b) of this section and section 321(c) of the revised title.

## REFERENCES IN TEXT

The provisions of title 5 governing appointment in the competitive service, referred to in subsec. (f)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

## AMENDMENTS

2008—Subsec. (e). Pub. L. 110-343 substituted "10" for "9".

2007—Subsec. (e). Pub. L. 110-49 substituted "9 Assistant" for "8 Assistant".

2003—Subsec. (e). Pub. L. 108-177 substituted "8" for "7".

1994—Subsec. (d). Pub. L. 103-211 inserted "an Under Secretary for Enforcement," after "2 Under Secretaries."

1985—Subsec. (d). Pub. L. 99-190 substituted "2 Under Secretaries" for "an Under Secretary, an Under Secretary for Monetary Affairs" and "The President may designate one Under Secretary as Counselor" for "When appointing the Under Secretary, the President may designate the Under Secretary as Counselor".

1984—Subsec. (e). Pub. L. 98-594 substituted "7" for "5".

## EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-49 applicable after the end of the 90-day period beginning on July 26, 2007, see section 12 of Pub. L. 110-49, set out as a note under section 5315 of Title 5, Government Organization and Employees.

## SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-203, title V, §501, July 21, 2010, 124 Stat. 1580, provided that: "This subtitle [subtitle A (§§501, 502) of title V of Pub. L. 111-203, enacting sections 313 and 314 of this title, amending section 321 of this title, and renumbering former sections 312 and 313 of this title as sections 315 and 312, respectively] may be cited as the 'Federal Insurance Office Act of 2010'."

## ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of the Treasury are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13246, Dec. 18, 2001, 66 F.R. 66270, set out as a note under section 3345 of Title 5, Government Organization and Employees.

OFFICE OF SECRETARY OF THE TREASURY;  
COMPENSATION

Pub. L. 105-61, title I, § 116, Oct. 10, 1997, 111 Stat. 1284, provided that:

“(a)(1) Effective beginning on the date determined under paragraph (2), the compensation and other emoluments attached to the Office of Secretary of the Treasury shall be those that would then apply if Public Law 103-2 (107 Stat. 4; 31 U.S.C. 301 note) had never been enacted.

“(2) Paragraph (1) shall become effective on the later of—

“(A) the day after the date on which the individual holding the Office of Secretary of the Treasury on January 1, 1997, ceases to hold that office; or

“(B) the date of the enactment of this Act [Oct. 10, 1997].

“(3) Nothing in this subsection shall be considered to affect the compensation or emoluments due to any individual in connection with any period preceding the date determined under paragraph (2).

“(b) Subsection (b) of the first section of the public law referred to in subsection (a)(1) of this section shall not apply in the case of any appointment the consent of the Senate to which occurs on or after the date of the enactment of this Act.

“(c) This section shall not be limited (for purposes of determining whether a provision of this section applies or continues to apply) to fiscal year 1998.”

OFFICE OF THE UNDERSECRETARY FOR ENFORCEMENT

Pub. L. 108-447, div. H, title II, § 222(b)(2), Dec. 8, 2004, 118 Stat. 3245, provided that: “The Office of the Undersecretary for Enforcement of the Department of the Treasury, established in accordance with section 103 [105] of the Treasury Department Appropriations Act, 1994 (Public Law 103-123) [set out below] is abolished, and all rights, duties, and responsibilities of that office are transferred on the date of enactment of this Act [Dec. 8, 2004] to the Office of the Undersecretary for Terrorism and Financial Crimes of the Department of the Treasury in accordance with this section [enacting section 313 of this title and amending section 311 of this title], and the amendments made by this section, except as otherwise specifically provided in this section or the amendments made by this section, or other applicable law.”

Pub. L. 103-123, title I, § 105, Oct. 28, 1993, 107 Stat. 1234, provided that: “Notwithstanding any other provision of law, the Secretary of the Treasury shall establish an Office of the Undersecretary for Enforcement within the Department of the Treasury by no later than February 15, 1994.”

COMPENSATION AND EMOLUMENTS OF SECRETARY OF THE TREASURY AT LEVEL IN EFFECT ON JANUARY 1, 1989; ACTIONS CHALLENGING APPOINTMENT ON CONSTITUTIONAL GROUNDS

Pub. L. 103-2, Jan. 19, 1993, 107 Stat. 4, provided: “That (a) the compensation and other emoluments attached to the office of Secretary of the Treasury shall be those in effect January 1, 1989, notwithstanding any increase in such compensation or emoluments after that date under—

“(1) the Ethics Reform Act of 1989 (Public Law 101-194) [see Tables for classification] or any other provision of law amended by that Act; or

“(2) any other provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 1989, and ending at noon of January 3, 1995.

“(b)(1) Any person aggrieved by an action of the Secretary of the Treasury may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6,

clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

“(2) Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Treasury on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

“(3)(A) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Treasury under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

“(B) The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken pursuant to subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

“(c) This joint resolution shall become effective at 12:00 p.m., January 20, 1993.”

DUTIES AND FUNCTIONS OF DEPARTMENT OF THE  
TREASURY

Nothing in Pub. L. 101-576 [see Short Title of 1990 Amendment note set out under section 501 of this title] to be construed to interfere with exercise of functions, duties, and responsibilities of Department of the Treasury, as in effect immediately before Nov. 15, 1990, see section 204 of Pub. L. 101-576, set out as a note under section 501 of this title.

§ 302. Treasury of the United States

The United States Government has a Treasury of the United States. The Treasury is in the Department of the Treasury.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 879.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302 .....	31:472.	R.S. § 3591.

The section is substituted for the source provisions to eliminate unnecessary words and because of subsequent laws and the restatement in the revised title about the authority of the Secretary of the Treasury and coins, currency, accounts, depositories, and public debt of the United States Government.

§ 303. Bureau of Engraving and Printing

(a) The Bureau of Engraving and Printing is a bureau in the Department of the Treasury.

(b) The head of the Bureau is the Director of the Bureau of Engraving and Printing appointed by the Secretary of the Treasury. The Director—

(1) shall carry out duties and powers prescribed by the Secretary; and

(2) reports directly to the Secretary.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 879.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
303 .....	31:171.	June 4, 1897, ch. 2, § 1(4th proviso on p. 18), 30 Stat. 18.

In subsection (a), the words “a bureau in the Department of the Treasury” are added for clarity and consistency in chapter 3 of the revised title.

In subsection (b), the first sentence is substituted for the words before the first comma because of the source provisions restated in section 321(c) of the revised title. Clause (1) is substituted for “subject to the direction of the Secretary of the Treasury” for consistency in the revised title and with other titles of the United States Code. The words “and be responsible” are omitted as being included in “reports directly to” and because of section 301 of the revised title.

#### § 304. United States Mint

(a) The United States Mint is a bureau in the Department of the Treasury.

(b)(1) The head of the Mint is the Director of the Mint. The Director is appointed by the President, by and with the advice and consent of the Senate. The term of the Director is 5 years. The President may remove the Director from office. On removal, the President shall send a message to the Senate giving the reasons for removal.

(2) The Director shall carry out duties and powers prescribed by the Secretary of the Treasury.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 879; Pub. L. 102–390, title II, § 225(a), (b)(1), (2), Oct. 6, 1992, 106 Stat. 1629.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
304(a) .....	31:251(1st sentence less words after 1st comma).	R.S. §343(1st sentence less words after 1st comma).
304(b)(1) ..	31:251(2d sentence words before comma, last sentence).	
304(b)(2) ..	31:251(2d sentence words after comma).	

In subsection (b)(1), the word “head” is substituted for “chief officer” in 31:251 for clarity and consistency in the revised title and with other titles of the United States Code. The word “is” is substituted for “shall be denominated” to eliminate unnecessary words.

In subsection (b)(2), the words “The Director shall carry out duties and powers prescribed by the Secretary of the Treasury” are substituted for “and shall be under the general direction of the Secretary of the Treasury” for clarity and consistency in the revised title.

#### AMENDMENTS

1992—Pub. L. 102–390, § 225(b)(2), substituted “United States Mint” for “Bureau of the Mint” in section catchline.

Subsec. (a). Pub. L. 102–390, § 225(a), substituted “United States Mint” for “Bureau of the Mint”.

Subsec. (b)(1). Pub. L. 102–390, § 225(b)(1), substituted “head of the Mint” for “head of the Bureau”.

#### § 305. Federal Financing Bank

The Federal Financing Bank, established under section 4 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2283), is subject to the direction and supervision of the Secretary of the Treasury.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 879.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
305 .....	(no source).	

The section is included to provide in subchapter I of chapter 3 of the revised title a complete list of the organizational units established by law that are in the Department of the Treasury or are subject to the direction and supervision of the Secretary of the Treasury.

#### § 306. Fiscal Service

(a) The Fiscal Service is a service in the Department of the Treasury.

(b) The head of the Fiscal Service is the Fiscal Assistant Secretary appointed under section 301(d) of this title.

(c) The Fiscal Service has a—

(1) Bureau of Government Financial Operations, having as its head a Commissioner of Government Financial Operations; and

(2) Bureau of the Public Debt, having as its head a Commissioner of the Public Debt.

(d) The Secretary of the Treasury may designate another officer or employee of the Department to act as the Fiscal Assistant Secretary when the Fiscal Assistant Secretary is absent or unable to serve or when the office of Fiscal Assistant Secretary is vacant.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 879; Pub. L. 108–458, title VII, § 7801, Dec. 17, 2004, 118 Stat. 3860.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306 .....	5 App.	Reorg. Plan No. 3 of 1940, eff. June 30, 1940, §1(less (a)(7)(1st sentence), (d)), 54 Stat. 1231.

In subsection (a), the word “service” is substituted for “agency” in section 1(a)(1)(words before last comma) of Reorganization Plan No. 3 of 1940 (eff. June 30, 1940, 54 Stat. 1232) for consistency in the revised title. The words related to the organizational units being consolidated into the Fiscal Service are omitted as executed.

In subsection (b), the text of section 1(a)(7)(2d sentence) of Reorganization Plan No. 3 of 1940 is omitted because of the source provisions restated in section 301(d) of the revised title.

In subsection (c), the words “Office of the Fiscal Assistant Secretary” in section 1(a)(2) of Reorganization Plan No. 3 of 1940 are omitted as unnecessary and for consistency in chapter 3 of the revised title. The words “the Office of the Treasurer of the United States” are omitted because this office is no longer in the Fiscal Service. See Department of the Treasury Order 229 of January 14, 1974 (39 F.R. 2280). The words “Bureau of Government Financial Operations” are substituted for “Bureau of Accounts” because of Treasury Order 229 and appropriation Acts beginning with fiscal year 1975. The text of section 1(a)(2)(last sentence) is omitted as unnecessary because of section 301 of the revised title. The words “Commissioner of Government Financial Operations” are substituted for “Commissioner of Accounts and Deposits” in section 1(a)(3) of the Reorganization Plan because of Treasury Order 229 and appropriation Acts beginning with fiscal year 1975. The words before the last comma are omitted as executed. The words related to the organizational units, in section 1(a)(4) of the Reorganization Plan, that are being consolidated into the Bureau of the Public Debt are omitted as executed.

Subsection (d) is substituted for the text of section 1(a)(7)(last sentence) of Reorganization Plan No. 3 of 1940 for consistency in the revised title. The text of section 1(a)(5) and (6), (b), and (c) is omitted as superseded by the source provisions restated in section 321 of the revised title.

#### REFERENCES IN TEXT

The Bureau of Government Financial Operations, referred to in subsec. (c)(1), is now known as the Financial Management Service and has as its head a Commissioner of the Financial Management Service.

#### AMENDMENTS

2004—Subsec. (d). Pub. L. 108-458 inserted “or employee” after “another officer”.

#### REIMBURSEMENT OF FINANCIAL MANAGEMENT SERVICE AND BUREAU OF THE PUBLIC DEBT

Pub. L. 105-277, div. A, §101(h) [title I], Oct. 21, 1998, 112 Stat. 2681-480, 2681-486, provided in part: “That notwithstanding any other provisions of law, effective upon enactment [Oct. 21, 1998] and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in section 104 of Public Law 101-136 (103 Stat. 789) [set out below] for costs and services performed by the Bureau in the administration of such funds.”

Similar provisions were contained in Pub. L. 105-61, title I, Oct. 10, 1997, 111 Stat. 1279.

Pub. L. 103-329, title I, §105, Sept. 30, 1994, 108 Stat. 2390, provided that: “Notwithstanding any other provision of law, beginning in fiscal year 1995 and thereafter, the Financial Management Service (FMS) shall be reimbursed, for postage incurred by FMS to make check payments on their behalf, by: the Department of Veterans Affairs, for the mailing of Compensation and Pension benefit payments; the Department of Health and Human Services, for the mailing of Supplemental Security Income payments; and the Office of Personnel Management, for the mailing of Retirement payments. Such reimbursement shall be due beginning with checks mailed on October 1, 1994, and such reimbursement shall occur on a monthly basis.”

Pub. L. 102-393, title I, §105, Oct. 6, 1992, 106 Stat. 1737, provided that: “Notwithstanding any other provision of law, beginning October 1, 1992, and thereafter, the Financial Management Service (FMS) shall be reimbursed by the Internal Revenue Service (IRS) and the Department of Agriculture, National Finance Center (NFC), for the postage costs the FMS incurs to make check payments on behalf of the IRS and the NFC.”

Pub. L. 101-136, title I, §104, Nov. 3, 1989, 103 Stat. 789, provided that: “Notwithstanding any other provision of law, beginning October 1, 1990, and thereafter, the Financial Management Service shall be fully and directly reimbursed from the Social Security Trust Funds for the costs it incurs in the issuance of Social Security Trust Funds benefit payments, including all physical costs associated with payment preparation and postage costs. Such direct reimbursement shall also be made for all other trust and special funds which are the recipients of services performed by the Financial Management Service and which prior to enactment of this provision [Nov. 3, 1989] reimburse the General Fund of the Treasury for such services.”

### § 307. Office of the Comptroller of the Currency

The Office of the Comptroller of the Currency, established under section 324 of the Revised Statutes (12 U.S.C. 1), is an office in the Department of the Treasury.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 880.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307 .....	(no source).	

The section is included to provide in subchapter I of chapter 3 of the revised title a complete list of the organizational units established by law that are in the Department of the Treasury or are subject to the direction and supervision of the Secretary of the Treasury. The title “Office of the Comptroller of the Currency” and the word “office” are used to reflect the name that this organizational unit of the Department of the Treasury historically has been given.

### § 308. United States Customs Service

The United States Customs Service, established under section 1 of the Act of March 3, 1927 (19 U.S.C. 2071), is a service in the Department of the Treasury.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 880.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
308 .....	(no source).	

The section is included to provide in subchapter I of chapter 3 of the revised title a complete list of the organizational units established by law that are in the Department of the Treasury or are subject to the direction and supervision of the Secretary of the Treasury.

#### CHANGE OF NAME

Bureau of Customs redesignated United States Customs Service by Treasury Department Order 165-23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 309. Office of Thrift Supervision

The Office of Thrift Supervision established under section 3(a) of the Home Owners’ Loan Act shall be an office in the Department of the Treasury.

(Added Pub. L. 101-73, title III, §307(a)(1), Aug. 9, 1989, 103 Stat. 352; amended Pub. L. 103-272, §4(f)(1)(A), July 5, 1994, 108 Stat. 1361.)

#### REFERENCES IN TEXT

Section 3(a) of the Home Owners’ Loan Act, referred to in text, is classified to section 1462a(a) of Title 12, Banks and Banking.

#### PRIOR PROVISIONS

A prior section 309 was renumbered section 315 of this title.

#### AMENDMENTS

1994—Pub. L. 103-272 substituted “section 3(a)” for “section 2A(a)”.

### § 310. Financial Crimes Enforcement Network

(a) IN GENERAL.—The Financial Crimes Enforcement Network established by order of the Secretary of the Treasury (Treasury Order Numbered 105-08, in this section referred to as “FinCEN”) on April 25, 1990, shall be a bureau in the Department of the Treasury.

## (b) DIRECTOR.—

(1) APPOINTMENT.—The head of FinCEN shall be the Director, who shall be appointed by the Secretary of the Treasury.

(2) DUTIES AND POWERS.—The duties and powers of the Director are as follows:

(A) Advise and make recommendations on matters relating to financial intelligence, financial criminal activities, and other financial activities to the Under Secretary of the Treasury for Enforcement.

(B) Maintain a government-wide data access service, with access, in accordance with applicable legal requirements, to the following:

(i) Information collected by the Department of the Treasury, including report information filed under subchapter II of chapter 53 of this title (such as reports on cash transactions, foreign financial agency transactions and relationships, foreign currency transactions, exporting and importing monetary instruments, and suspicious activities), chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act.

(ii) Information regarding national and international currency flows.

(iii) Other records and data maintained by other Federal, State, local, and foreign agencies, including financial and other records developed in specific cases.

(iv) Other privately and publicly available information.

(C) Analyze and disseminate the available data in accordance with applicable legal requirements and policies and guidelines established by the Secretary of the Treasury and the Under Secretary of the Treasury for Enforcement to—

(i) identify possible criminal activity to appropriate Federal, State, local, and foreign law enforcement agencies;

(ii) support ongoing criminal financial investigations and prosecutions and related proceedings, including civil and criminal tax and forfeiture proceedings;

(iii) identify possible instances of non-compliance with subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act to Federal agencies with statutory responsibility for enforcing compliance with such provisions and other appropriate Federal regulatory agencies;

(iv) evaluate and recommend possible uses of special currency reporting requirements under section 5326;

(v) determine emerging trends and methods in money laundering and other financial crimes;

(vi) support the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism; and

(vii) support government initiatives against money laundering.

(D) Establish and maintain a financial crimes communications center to furnish law enforcement authorities with intel-

ligence information related to emerging or ongoing investigations and undercover operations.

(E) Furnish research, analytical, and informational services to financial institutions, appropriate Federal regulatory agencies with regard to financial institutions, and appropriate Federal, State, local, and foreign law enforcement authorities, in accordance with policies and guidelines established by the Secretary of the Treasury or the Under Secretary of the Treasury for Enforcement, in the interest of detection, prevention, and prosecution of terrorism, organized crime, money laundering, and other financial crimes.

(F) Assist Federal, State, local, and foreign law enforcement and regulatory authorities in combatting the use of informal, nonbank networks and payment and barter system mechanisms that permit the transfer of funds or the equivalent of funds without records and without compliance with criminal and tax laws.

(G) Provide computer and data support and data analysis to the Secretary of the Treasury for tracking and controlling foreign assets.

(H) Coordinate with financial intelligence units in other countries on anti-terrorism and anti-money laundering initiatives, and similar efforts.

(I) Administer the requirements of subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91-508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary of the Treasury.

(J) Such other duties and powers as the Secretary of the Treasury may delegate or prescribe.

(c) REQUIREMENTS RELATING TO MAINTENANCE AND USE OF DATA BANKS.—The Secretary of the Treasury shall establish and maintain operating procedures with respect to the government-wide data access service and the financial crimes communications center maintained by FinCEN which provide—

(1) for the coordinated and efficient transmittal of information to, entry of information into, and withdrawal of information from, the data maintenance system maintained by FinCEN, including—

(A) the submission of reports through the Internet or other secure network, whenever possible;

(B) the cataloguing of information in a manner that facilitates rapid retrieval by law enforcement personnel of meaningful data; and

(C) a procedure that provides for a prompt initial review of suspicious activity reports and other reports, or such other means as the Secretary may provide, to identify information that warrants immediate action; and

(2) in accordance with section 552a of title 5 and the Right to Financial Privacy Act of 1978, appropriate standards and guidelines for determining—

(A) who is to be given access to the information maintained by FinCEN;

(B) what limits are to be imposed on the use of such information; and

(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights is to be screened out of the data maintenance system.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for FinCEN \$100,419,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 and 2013.

(2) AUTHORIZATION FOR FUNDING KEY TECHNOLOGICAL IMPROVEMENTS IN MISSION-CRITICAL FINCEN SYSTEMS.—There are authorized to be appropriated for fiscal year 2005 the following amounts, which are authorized to remain available until expended:

(A) BSA DIRECT.—For technological improvements to provide authorized law enforcement and financial regulatory agencies with Web-based access to FinCEN data, to fully develop and implement the highly secure network required under section 362 of Public Law 107–56 to expedite the filing of, and reduce the filing costs for, financial institution reports, including suspicious activity reports, collected by FinCEN under chapter 53 and related provisions of law, and enable FinCEN to immediately alert financial institutions about suspicious activities that warrant immediate and enhanced scrutiny, and to provide and upgrade advanced information-sharing technologies to materially improve the Government's ability to exploit the information in the FinCEN data banks, \$16,500,000.

(B) ADVANCED ANALYTICAL TECHNOLOGIES.—To provide advanced analytical tools needed to ensure that the data collected by FinCEN under chapter 53 and related provisions of law are utilized fully and appropriately in safeguarding financial institutions and supporting the war on terrorism, \$5,000,000.

(C) DATA NETWORKING MODERNIZATION.—To improve the telecommunications infrastructure to support the improved capabilities of the FinCEN systems, \$3,000,000.

(D) ENHANCED COMPLIANCE CAPABILITY.—To improve the effectiveness of the Office of Compliance in FinCEN, \$3,000,000.

(E) DETECTION AND PREVENTION OF FINANCIAL CRIMES AND TERRORISM.—To provide development of, and training in the use of, technology to detect and prevent financial crimes and terrorism within and without the United States, \$8,000,000.

(Added Pub. L. 107–56, title III, § 361(a)(2), Oct. 26, 2001, 115 Stat. 329; amended Pub. L. 108–458, title VI, §§ 6101, 6203(a), Dec. 17, 2004, 118 Stat. 3744, 3746; Pub. L. 111–195, title I, § 109(c), July 1, 2010, 124 Stat. 1338.)

REFERENCES IN TEXT

Chapter 2 of title I of Public Law 91–508, referred to in subsec. (b)(2)(B)(i), (C)(iii), (I), is chapter 2 (§§ 121–129) of title I of Pub. L. 91–508, Oct. 26, 1970, 84 Stat. 1116, which is classified generally to chapter 21 (§ 1951 et seq.) of Title 12, Banks and Banking. For complete classification of chapter 2 to the Code, see Tables.

Section 21 of the Federal Deposit Insurance Act, referred to in subsec. (b)(2)(B)(i), (C)(iii), (I), is classified to section 1829b of Title 12, Banks and Banking.

The Right to Financial Privacy Act of 1978, referred to in subsec. (c)(2), is title XI of Pub. L. 95–630, Nov. 10, 1978, 92 Stat. 3697, which is classified generally to chapter 35 (§ 3401 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of Title 12 and Tables.

Section 362 of Public Law 107–56, referred to in subsec. (d)(2)(A), is set out as a note below.

PRIOR PROVISIONS

A prior section 310 was renumbered section 315 of this title.

AMENDMENTS

2010—Subsec. (d)(1). Pub. L. 111–195 substituted “\$100,419,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 and 2013” for “such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005”.

2004—Subsec. (c)(1), (2)(A). Pub. L. 108–458, § 6203(a), substituted “FinCEN” for “the Network”.

Subsec. (d). Pub. L. 108–458, § 6101, designated existing provisions as par. (1), inserted par. heading, and added par. (2).

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by section 6203(a) of Pub. L. 108–458 effective as if included in Pub. L. 107–56, as of the date of enactment of such Act, and no amendment made by Pub. L. 107–56 that is inconsistent with such amendment to be deemed to have taken effect, see section 6205 of Pub. L. 108–458, set out as a note under section 1828 of Title 12, Banks and Banking.

ESTABLISHMENT OF HIGHLY SECURE NETWORK

Pub. L. 107–56, title III, § 362, Oct. 26, 2001, 115 Stat. 332, as amended by Pub. L. 108–458, title VI, § 6202(m), Dec. 17, 2004, 118 Stat. 3746, provided that:

“(a) IN GENERAL.—The Secretary [of the Treasury] shall establish a highly secure network in the Financial Crimes Enforcement Network that—

“(1) allows financial institutions to file reports required under subchapter II of chapter 53 of title 31, United States Code, chapter 2 of Public Law 91–508 [probably means chapter 2 (§§ 121 to 129) of title I of Pub. L. 91–508 (12 U.S.C. 1951 et seq.)], or section 21 of the Federal Deposit Insurance Act [12 U.S.C. 1829b] through the secure network; and

“(2) provides financial institutions with alerts and other information regarding suspicious activities that warrant immediate and enhanced scrutiny.

“(b) EXPEDITED DEVELOPMENT.—The Secretary shall take such action as may be necessary to ensure that the secure network required under subsection (a) is fully operational before the end of the 9-month period beginning on the date of enactment of this Act [Oct. 26, 2001].”

§ 311. Office of Intelligence and Analysis

(a) ESTABLISHMENT.—There is established within the Department of the Treasury, the Office of Intelligence and Analysis (in this section referred to as the “Office”), which shall—

(1) be within the Office of Terrorism and Financial Intelligence;

(2) be responsible for the receipt, analysis, collation, and dissemination of foreign intelligence and foreign counterintelligence information (within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) related to the operation and responsibilities of the Department of the Treasury; and

(3) have such other related duties and authorities as may be assigned to it by the Secretary, subject to the authority, direction, and control of the Secretary.

(b) ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS.—The Office shall be headed by an Assistant Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall report directly to the Undersecretary of the Treasury for Terrorism and Financial Crimes.

(Added Pub. L. 108-177, title I, §105(a)(1)(B), Dec. 13, 2003, 117 Stat. 2603; amended Pub. L. 108-447, div. H, title II, §222(b)(1), Dec. 8, 2004, 118 Stat. 3245.)

#### PRIOR PROVISIONS

A prior section 311 was renumbered section 315 of this title.

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-447, §222(b)(1)(A), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Subsec. (b). Pub. L. 108-447, §222(b)(1)(B), substituted “Terrorism and Financial Crimes” for “Enforcement”.

#### CONSTRUCTION

Pub. L. 108-177, title I, §105(b), Dec. 13, 2003, 117 Stat. 2603, as amended by Pub. L. 111-259, title VIII, §808, Oct. 7, 2010, 124 Stat. 2749, provided that: “Nothing in section 311 of title 31, United States Code (as amended by subsection (a)), or in section 313 of such title, shall be construed to alter the authorities and responsibilities of the Director of National Intelligence with respect to the Office of Intelligence and Analysis of the Department of the Treasury as an element of the intelligence community.”

### § 312. Terrorism and financial intelligence

(a) OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—

(1) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of Terrorism and Financial Intelligence (in this section referred to as “OTFI”), which shall be the successor to any such office in existence on the date of enactment of this section.

(2) LEADERSHIP.—

(A) UNDERSECRETARY.—There is established within the Department of the Treasury, the Office of the Undersecretary for Terrorism and Financial Crimes, who shall serve as the head of the OTFI, and shall report to the Secretary of the Treasury through the Deputy Secretary of the Treasury. The Office of the Undersecretary for Terrorism and Financial Crimes shall be the successor to the Office of the Undersecretary for Enforcement.

(B) APPOINTMENT.—The Undersecretary for Terrorism and Financial Crimes shall be appointed by the President, by and with the advice and consent of the Senate.

(3) ASSISTANT SECRETARY FOR TERRORIST FINANCING.—

(A) ESTABLISHMENT.—There is established within the OTFI the position of Assistant Secretary for Terrorist Financing.

(B) APPOINTMENT.—The Assistant Secretary for Terrorist Financing shall be appointed by the President, by and with the advice and consent of the Senate.

(C) DUTIES.—The Assistant Secretary for Terrorist Financing shall be responsible for

formulating and coordinating the counter terrorist financing and anti-money laundering efforts of the Department of the Treasury, and shall report directly to the Undersecretary for Terrorism and Financial Crimes.

(4) FUNCTIONS.—The functions of the OTFI include providing policy, strategic, and operational direction to the Department on issues relating to—

(A) implementation of titles I and II of the Bank Secrecy Act;

(B) United States economic sanctions programs;

(C) combating terrorist financing;

(D) combating financial crimes, including money laundering, counterfeiting, and other offenses threatening the integrity of the banking and financial systems;

(E) other enforcement matters;

(F) those intelligence analysis and coordination functions described in subsection (b); and

(G) the security functions and programs of the Department of the Treasury.

(5) REPORTS TO CONGRESS ON PROPOSED MEASURES.—The Undersecretary for Terrorism and Financial Crimes and the Assistant Secretary for Terrorist Financing shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 72 hours after proposing by rule, regulation, order, or otherwise, any measure to reorganize the structure of the Department for combatting money laundering and terrorist financing, before any such proposal becomes effective.

(6) OTHER OFFICES WITHIN OTFI.—Notwithstanding any other provision of law, the following offices of the Department of the Treasury shall be within the OTFI:

(A) The Office of the Assistant Secretary for Intelligence and Analysis, which shall report directly to the Undersecretary for Terrorism and Financial Crimes.

(B) The Office of the Assistant Secretary for Terrorist Financing, which shall report directly to the Undersecretary for Terrorism and Financial Crimes.

(C) The Office of Foreign Assets Control (in this section referred to as the “OFAC”), which shall report directly to the Undersecretary for Terrorism and Financial Crimes.

(D) The Executive Office for Asset Forfeiture, which shall report to the Undersecretary for Terrorism and Financial Crimes.

(E) The Office of Intelligence and Analysis (in this section referred to as the “OIA”), which shall report to the Assistant Secretary for Intelligence and Analysis.

(F) The Office of Terrorist Financing, which shall report to the Assistant Secretary for Terrorist Financing.

(7) FINCEN.—

(A) REPORTING TO UNDERSECRETARY.—The Financial Crimes Enforcement Network (in this section referred to as “FinCEN”), a bureau of the Department of the Treasury, shall report to the Undersecretary for Ter-



rorism and Financial Crimes. The Undersecretary for Terrorism and Financial Crimes may not redelegate its reporting authority over FinCEN.

(B) OFFICE OF COMPLIANCE.—There is established within FinCEN, an Office of Compliance.

(b) OFFICE OF INTELLIGENCE AND ANALYSIS.—

(1) ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS.—The Assistant Secretary for Intelligence and Analysis shall head the OIA.

(2) RESPONSIBILITIES.—The OIA shall be responsible for the receipt, analysis, collation, and dissemination of intelligence and counterintelligence information related to the operations and responsibilities of the entire Department of the Treasury, including all components and bureaus of the Department.

(3) PRIMARY FUNCTIONS.—The primary functions of the OIA are—

(A) to build a robust analytical capability on terrorist finance by coordinating and overseeing work involving intelligence analysts in all components of the Department of the Treasury, focusing on the highest priorities of the Department, as well as ensuring that the existing intelligence needs of the OFAC and FinCEN are met; and

(B) to provide intelligence support to senior officials of the Department on a wide range of international economic and other relevant issues.

(4) OTHER FUNCTIONS AND DUTIES.—The OIA shall—

(A) carry out the intelligence support functions that are assigned, to the Office of Intelligence Support under section 311 (pursuant to section 105 of the Intelligence Authorization Act for Fiscal Year 2004);

(B) serve in a liaison capacity with the intelligence community; and

(C) represent the Department in various intelligence related activities.

(5) DUTIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary for Intelligence and Analysis shall serve as the Senior Officer Intelligence Community, and shall represent the Department in intelligence community fora, including the National Foreign Intelligence Board committees and the Intelligence Community Management Staff.

(c) DELEGATION.—To the extent that any authorities, powers, and responsibilities over enforcement matters delegated to the Undersecretary for Terrorism and Financial Crimes, or the positions of Assistant Secretary for Terrorism and Financial Crimes, Assistant Secretary for Enforcement and Operations, or Deputy Assistant Secretary for Terrorist Financing and Financial Crimes, have not been transferred to the Department of Homeland Security, the Department of Justice, or the Assistant Secretary for Tax Policy (related to the customs revenue functions of the Bureau of Alcohol and Tobacco Tax and Trade), those remaining authorities, powers, and responsibilities are delegated to the Undersecretary for Terrorism and Financial Crimes.

(d) DESIGNATION AS ENFORCEMENT ORGANIZATION.—The Office of Terrorism and Financial In-

telligence (including any components thereof) is designated as a law enforcement organization of the Department of the Treasury for purposes of section 9703 of title 31, United States Code, and other relevant authorities.

(e) USE OF EXISTING RESOURCES.—The Secretary may employ personnel, facilities, and other Department of the Treasury resources available to the Secretary on the date of enactment of this section in carrying out this section, except as otherwise prohibited by law.

(f) REFERENCES.—References in this section to the “Secretary”, “Undersecretary”, “Deputy Secretary”, “Deputy Assistant Secretary”, “Office”, “Assistant Secretary”, and “Department” are references to positions and offices of the Department of the Treasury, unless otherwise specified.

(Added Pub. L. 108-447, div. H, title II, §222(a), Dec. 8, 2004, 118 Stat. 3242, §313; renumbered §312, Pub. L. 111-203, title V, §502(a)(2), July 21, 2010, 124 Stat. 1580.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a)(1) and (e), is the date of the enactment of Pub. L. 108-447, which was approved Dec. 8, 2004.

For the Bank Secrecy Act, referred to in subsec. (a)(4)(A), see Short Title note set out under section 1951 of Title 12, Banks and Banking, and Tables.

Section 105 of the Intelligence Authorization Act for Fiscal Year 2004, referred to in subsec. (b)(4)(A), is section 105 of Pub. L. 108-177, title I, Dec. 13, 2003, 117 Stat. 2603, which enacted section 311 of this title. For complete classification of section 105 to the Code, see Tables.

Section 9703 of title 31, referred to in subsec. (d), probably means the section 9703 of this title added by section 638(b)(1) of Pub. L. 102-393.

#### PRIOR PROVISIONS

A prior section 312 was renumbered section 315 of this title.

#### CHANGE OF NAME

Reference to Community Management Staff deemed to be a reference to the staff of the Office of the Director of National Intelligence, see section 1081(c) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.

#### AMENDMENTS

2010—Pub. L. 111-203 renumbered section 313 of this title as this section.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

### § 313. Federal Insurance Office

(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Federal Insurance Office.

(b) LEADERSHIP.—The Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined under section 3132 of title 5, United States Code.

(c) FUNCTIONS.—

(1) AUTHORITY PURSUANT TO DIRECTION OF SECRETARY.—The Office, pursuant to the direc-

tion of the Secretary, shall have the authority—

(A) to monitor all aspects of the insurance industry, including identifying issues or gaps in the regulation of insurers that could contribute to a systemic crisis in the insurance industry or the United States financial system;

(B) to monitor the extent to which traditionally underserved communities and consumers, minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)), and low- and moderate-income persons have access to affordable insurance products regarding all lines of insurance, except health insurance;

(C) to recommend to the Financial Stability Oversight Council that it designate an insurer, including the affiliates of such insurer, as an entity subject to regulation as a nonbank financial company supervised by the Board of Governors pursuant to title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act;

(D) to assist the Secretary in administering the Terrorism Insurance Program established in the Department of the Treasury under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note);

(E) to coordinate Federal efforts and develop Federal policy on prudential aspects of international insurance matters, including representing the United States, as appropriate, in the International Association of Insurance Supervisors (or a successor entity) and assisting the Secretary in negotiating covered agreements (as such term is defined in subsection (r));

(F) to determine, in accordance with subsection (f), whether State insurance measures are preempted by covered agreements;

(G) to consult with the States (including State insurance regulators) regarding insurance matters of national importance and prudential insurance matters of international importance; and

(H) to perform such other related duties and authorities as may be assigned to the Office by the Secretary.

(2) **ADVISORY FUNCTIONS.**—The Office shall advise the Secretary on major domestic and prudential international insurance policy issues.

(3) **ADVISORY CAPACITY ON COUNCIL.**—The Director shall serve in an advisory capacity on the Financial Stability Oversight Council established under the Financial Stability Act of 2010.

(d) **SCOPE.**—The authority of the Office shall extend to all lines of insurance except—

(1) health insurance, as determined by the Secretary in coordination with the Secretary of Health and Human Services based on section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91);

(2) long-term care insurance, except long-term care insurance that is included with life or annuity insurance components, as determined by the Secretary in coordination with

the Secretary of Health and Human Services, and in the case of long-term care insurance that is included with such components, the Secretary shall coordinate with the Secretary of Health and Human Services in performing the functions of the Office; and

(3) crop insurance, as established by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) **GATHERING OF INFORMATION.**—

(1) **IN GENERAL.**—In carrying out the functions required under subsection (c), the Office may—

(A) receive and collect data and information on and from the insurance industry and insurers;

(B) enter into information-sharing agreements;

(C) analyze and disseminate data and information; and

(D) issue reports regarding all lines of insurance except health insurance.

(2) **COLLECTION OF INFORMATION FROM INSURERS AND AFFILIATES.**—

(A) **IN GENERAL.**—Except as provided in paragraph (3), the Office may require an insurer, or any affiliate of an insurer, to submit such data or information as the Office may reasonably require in carrying out the functions described under subsection (c).

(B) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of this section, for purposes of subparagraph (A), the term “insurer” means any entity that writes insurance or reinsures risks and issues contracts or policies in 1 or more States.

(3) **EXCEPTION FOR SMALL INSURERS.**—Paragraph (2) shall not apply with respect to any insurer or affiliate thereof that meets a minimum size threshold that the Office may establish, whether by order or rule.

(4) **ADVANCE COORDINATION.**—Before collecting any data or information under paragraph (2) from an insurer, or affiliate of an insurer, the Office shall coordinate with each relevant Federal agency and State insurance regulator (or other relevant Federal or State regulatory agency, if any, in the case of an affiliate of an insurer) and any publicly available sources to determine if the information to be collected is available from, and may be obtained in a timely manner by, such Federal agency or State insurance regulator, individually or collectively, other regulatory agency, or publicly available sources. If the Director determines that such data or information is available, and may be obtained in a timely manner, from such an agency, regulator, regulatory agency, or source, the Director shall obtain the data or information from such agency, regulator, regulatory agency, or source. If the Director determines that such data or information is not so available, the Director may collect such data or information from an insurer (or affiliate) only if the Director complies with the requirements of subchapter I of chapter 35 of title 44, United States Code (relating to Federal information policy; commonly known as the Paperwork Reduction Act), in collecting such data or information. Notwithstanding any other provision of law, each such relevant

Federal agency and State insurance regulator or other Federal or State regulatory agency is authorized to provide to the Office such data or information.

(5) CONFIDENTIALITY.—

(A) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data and information to the Office under this subsection shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

(B) CONTINUED APPLICATION OF PRIOR CONFIDENTIALITY AGREEMENTS.—Any requirement under Federal or State law to the extent otherwise applicable, or any requirement pursuant to a written agreement in effect between the original source of any nonpublicly available data or information and the source of such data or information to the Office, regarding the privacy or confidentiality of any data or information in the possession of the source to the Office, shall continue to apply to such data or information after the data or information has been provided pursuant to this subsection to the Office.

(C) INFORMATION-SHARING AGREEMENT.—Any data or information obtained by the Office may be made available to State insurance regulators, individually or collectively, through an information-sharing agreement that—

(i) shall comply with applicable Federal law; and

(ii) shall not constitute a waiver of, or otherwise affect, any privilege under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

(D) AGENCY DISCLOSURE REQUIREMENTS.—Section 552 of title 5, United States Code, shall apply to any data or information submitted to the Office by an insurer or an affiliate of an insurer.

(6) SUBPOENAS AND ENFORCEMENT.—The Director shall have the power to require by subpoena the production of the data or information requested under paragraph (2), but only upon a written finding by the Director that such data or information is required to carry out the functions described under subsection (c) and that the Office has coordinated with such regulator or agency as required under paragraph (4). Subpoenas shall bear the signature of the Director and shall be served by any person or class of persons designated by the Director for that purpose. In the case of contumacy or failure to obey a subpoena, the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of court.

(f) PREEMPTION OF STATE INSURANCE MEASURES.—

(1) STANDARD.—A State insurance measure shall be preempted pursuant to this section or section 314 if, and only to the extent that the

Director determines, in accordance with this subsection, that the measure—

(A) results in less favorable treatment of a non-United States insurer domiciled in a foreign jurisdiction that is subject to a covered agreement than a United States insurer domiciled, licensed, or otherwise admitted in that State; and

(B) is inconsistent with a covered agreement.

(2) DETERMINATION.—

(A) NOTICE OF POTENTIAL INCONSISTENCY.—Before making any determination under paragraph (1), the Director shall—

(i) notify and consult with the appropriate State regarding any potential inconsistency or preemption;

(ii) notify and consult with the United States Trade Representative regarding any potential inconsistency or preemption;

(iii) cause to be published in the Federal Register notice of the issue regarding the potential inconsistency or preemption, including a description of each State insurance measure at issue and any applicable covered agreement;

(iv) provide interested parties a reasonable opportunity to submit written comments to the Office; and

(v) consider any comments received.

(B) SCOPE OF REVIEW.—For purposes of this subsection, any determination of the Director regarding State insurance measures, and any preemption under paragraph (1) as a result of such determination, shall be limited to the subject matter contained within the covered agreement involved and shall achieve a level of protection for insurance or reinsurance consumers that is substantially equivalent to the level of protection achieved under State insurance or reinsurance regulation.

(C) NOTICE OF DETERMINATION OF INCONSISTENCY.—Upon making any determination under paragraph (1), the Director shall—

(i) notify the appropriate State of the determination and the extent of the inconsistency;

(ii) establish a reasonable period of time, which shall not be less than 30 days, before the determination shall become effective; and

(iii) notify the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Finance of the Senate.

(3) NOTICE OF EFFECTIVENESS.—Upon the conclusion of the period referred to in paragraph (2)(C)(ii), if the basis for such determination still exists, the determination shall become effective and the Director shall—

(A) cause to be published a notice in the Federal Register that the preemption has become effective, as well as the effective date; and

(B) notify the appropriate State.

(4) LIMITATION.—No State may enforce a State insurance measure to the extent that

such measure has been preempted under this subsection.

(g) **APPLICABILITY OF ADMINISTRATIVE PROCEDURES ACT.**—Determinations of inconsistency made pursuant to subsection (f)(2) shall be subject to the applicable provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and chapter 7 of such title (relating to judicial review), except that in any action for judicial review of a determination of inconsistency, the court shall determine the matter de novo.

(h) **REGULATIONS, POLICIES, AND PROCEDURES.**—The Secretary may issue orders, regulations, policies, and procedures to implement this section.

(i) **CONSULTATION.**—The Director shall consult with State insurance regulators, individually or collectively, to the extent the Director determines appropriate, in carrying out the functions of the Office.

(j) **SAVINGS PROVISIONS.**—Nothing in this section shall—

(1) preempt—

(A) any State insurance measure that governs any insurer's rates, premiums, underwriting, or sales practices;

(B) any State coverage requirements for insurance;

(C) the application of the antitrust laws of any State to the business of insurance; or

(D) any State insurance measure governing the capital or solvency of an insurer, except to the extent that such State insurance measure results in less favorable treatment of a non-United State<sup>1</sup> insurer than a United States insurer;

(2) be construed to alter, amend, or limit any provision of the Consumer Financial Protection Agency Act of 2010; or

(3) affect the preemption of any State insurance measure otherwise inconsistent with and preempted by Federal law.

(k) **RETENTION OF EXISTING STATE REGULATORY AUTHORITY.**—Nothing in this section or section 314 shall be construed to establish or provide the Office or the Department of the Treasury with general supervisory or regulatory authority over the business of insurance.

(l) **RETENTION OF AUTHORITY OF FEDERAL FINANCIAL REGULATORY AGENCIES.**—Nothing in this section or section 314 shall be construed to limit the authority of any Federal financial regulatory agency, including the authority to develop and coordinate policy, negotiate, and enter into agreements with foreign governments, authorities, regulators, and multinational regulatory committees and to preempt State measures to affect uniformity with international regulatory agreements.

(m) **RETENTION OF AUTHORITY OF UNITED STATES TRADE REPRESENTATIVE.**—Nothing in this section or section 314 shall be construed to affect the authority of the Office of the United States Trade Representative pursuant to section 141 of the Trade Act of 1974 (19 U.S.C. 2171) or any other provision of law, including authority over the development and coordination of

United States international trade policy and the administration of the United States trade agreements program.

(n) **ANNUAL REPORTS TO CONGRESS.**—

(1) **SECTION 313(f) REPORTS.**—Beginning September 30, 2011, the Director shall submit a report on or before September 30 of each calendar year to the President and to the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Finance of the Senate on any actions taken by the Office pursuant to subsection (f) (regarding preemption of inconsistent State insurance measures).

(2) **INSURANCE INDUSTRY.**—Beginning September 30, 2011, the Director shall submit a report on or before September 30 of each calendar year to the President and to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the insurance industry and any other information as deemed relevant by the Director or requested by such Committees.

(o) **REPORTS ON U.S. AND GLOBAL REINSURANCE MARKET.**—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(1) a report received not later than September 30, 2012, describing the breadth and scope of the global reinsurance market and the critical role such market plays in supporting insurance in the United States; and

(2) a report received not later than January 1, 2013, and updated not later than January 1, 2015, describing the impact of part II of the Nonadmitted and Reinsurance Reform Act of 2010 on the ability of State regulators to access reinsurance information for regulated companies in their jurisdictions.

(p) **STUDY AND REPORT ON REGULATION OF INSURANCE.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this section, the Director shall conduct a study and submit a report to Congress on how to modernize and improve the system of insurance regulation in the United States.

(2) **CONSIDERATIONS.**—The study and report required under paragraph (1) shall be based on and guided by the following considerations:

(A) Systemic risk regulation with respect to insurance.

(B) Capital standards and the relationship between capital allocation and liabilities, including standards relating to liquidity and duration risk.

(C) Consumer protection for insurance products and practices, including gaps in State regulation.

(D) The degree of national uniformity of State insurance regulation.

(E) The regulation of insurance companies and affiliates on a consolidated basis.

(F) International coordination of insurance regulation.

(3) **ADDITIONAL FACTORS.**—The study and report required under paragraph (1) shall also examine the following factors:

<sup>1</sup> So in original. Probably should be "States".

(A) The costs and benefits of potential Federal regulation of insurance across various lines of insurance (except health insurance).

(B) The feasibility of regulating only certain lines of insurance at the Federal level, while leaving other lines of insurance to be regulated at the State level.

(C) The ability of any potential Federal regulation or Federal regulators to eliminate or minimize regulatory arbitrage.

(D) The impact that developments in the regulation of insurance in foreign jurisdictions might have on the potential Federal regulation of insurance.

(E) The ability of any potential Federal regulation or Federal regulator to provide robust consumer protection for policyholders.

(F) The potential consequences of subjecting insurance companies to a Federal resolution authority, including the effects of any Federal resolution authority—

(i) on the operation of State insurance guaranty fund systems, including the loss of guaranty fund coverage if an insurance company is subject to a Federal resolution authority;

(ii) on policyholder protection, including the loss of the priority status of policyholder claims over other unsecured general creditor claims;

(iii) in the case of life insurance companies, on the loss of the special status of separate account assets and separate account liabilities; and

(iv) on the international competitiveness of insurance companies.

(G) Such other factors as the Director determines necessary or appropriate, consistent with the principles set forth in paragraph (2).

(4) REQUIRED RECOMMENDATIONS.—The study and report required under paragraph (1) shall also contain any legislative, administrative, or regulatory recommendations, as the Director determines appropriate, to carry out or effectuate the findings set forth in such report.

(5) CONSULTATION.—With respect to the study and report required under paragraph (1), the Director shall consult with the State insurance regulators, consumer organizations, representatives of the insurance industry and policyholders, and other organizations and experts, as appropriate.

(q) USE OF EXISTING RESOURCES.—To carry out this section, the Office may employ personnel, facilities, and any other resource of the Department of the Treasury available to the Secretary and the Secretary shall dedicate specific personnel to the Office.

(r) DEFINITIONS.—In this section and section 314, the following definitions shall apply:

(1) AFFILIATE.—The term “affiliate” means, with respect to an insurer, any person who controls, is controlled by, or is under common control with the insurer.

(2) COVERED AGREEMENT.—The term “covered agreement” means a written bilateral or multilateral agreement regarding prudential

measures with respect to the business of insurance or reinsurance that—

(A) is entered into between the United States and one or more foreign governments, authorities, or regulatory entities; and

(B) relates to the recognition of prudential measures with respect to the business of insurance or reinsurance that achieves a level of protection for insurance or reinsurance consumers that is substantially equivalent to the level of protection achieved under State insurance or reinsurance regulation.

(3) INSURER.—The term “insurer” means any person engaged in the business of insurance, including reinsurance.

(4) FEDERAL FINANCIAL REGULATORY AGENCY.—The term “Federal financial regulatory agency” means the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, or the National Credit Union Administration.

(5) NON-UNITED STATES INSURER.—The term “non-United States insurer” means an insurer that is organized under the laws of a jurisdiction other than a State, but does not include any United States branch of such an insurer.

(6) OFFICE.—The term “Office” means the Federal Insurance Office established by this section.

(7) STATE INSURANCE MEASURE.—The term “State insurance measure” means any State law, regulation, administrative ruling, bulletin, guideline, or practice relating to or affecting prudential measures applicable to insurance or reinsurance.

(8) STATE INSURANCE REGULATOR.—The term “State insurance regulator” means any State regulatory authority responsible for the supervision of insurers.

(9) SUBSTANTIALLY EQUIVALENT TO THE LEVEL OF PROTECTION ACHIEVED.—The term “substantially equivalent to the level of protection achieved” means the prudential measures of a foreign government, authority, or regulatory entity achieve a similar outcome in consumer protection as the outcome achieved under State insurance or reinsurance regulation.

(10) UNITED STATES INSURER.—The term “United States insurer” means—

(A) an insurer that is organized under the laws of a State; or

(B) a United States branch of a non-United States insurer.

(s) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Office for each fiscal year such sums as may be necessary.

(Added Pub. L. 111–203, title V, §502(a)(3), July 21, 2010, 124 Stat. 1580.)

#### REFERENCES IN TEXT

Section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, referred to in subsec. (c)(1)(B), is section 1204(c) of Pub. L. 101–73, which is set out as a note under section 1811 of Title 12, Banks and Banking.

The Dodd-Frank Wall Street Reform and Consumer Protection Act, referred to in subsec. (c)(1)(C), is Pub. L. 111-203, July 21, 2010, 124 Stat. 1376. Title I of the Act, known as the Financial Stability Act of 2010, is classified principally to subchapter I (§5311 et seq.) of chapter 53 of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 12 and Tables.

The Terrorism Risk Insurance Act of 2002, referred to in subsec. (c)(1)(D), is Pub. L. 107-297, Nov. 26, 2002, 116 Stat. 2322. Title I of the Act, relating to the Terrorism Insurance Program, is set out as a note under section 6701 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title of 2002 Amendment note set out under section 6701 of Title 15 and Tables.

The Financial Stability Act of 2010, referred to in subsec. (c)(3), is title I of Pub. L. 111-203, July 21, 2010, 124 Stat. 1391, which is classified principally to subchapter I (§5311 et seq.) of chapter 53 of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 12 and Tables.

The Federal Crop Insurance Act, referred to in subsec. (d)(3), is subtitle A of title V of act Feb. 16, 1938, ch. 30, 52 Stat. 72, which is classified generally to subchapter I (§1501 et seq.) of chapter 36 of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1501 of Title 7 and Tables.

The Consumer Financial Protection Act of 2010, referred to in subsec. (j)(2), is title X of Pub. L. 111-203, July 21, 2010, 124 Stat. 1955, which enacted subchapter V (§5481 et seq.) of chapter 53 of Title 12, Banks and Banking, and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 12 and Tables.

The Nonadmitted and Reinsurance Reform Act of 2010, referred to in subsec. (o)(2), is subtitle B (§§511-542) of title V of Pub. L. 111-203, July 21, 2010, 124 Stat. 1589. Part II of the Act is classified generally to subchapter II (§8221 et seq.) of chapter 108 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of Title 15 and Tables.

The date of enactment of this section, referred to subsec. (p)(1), is the date of enactment of Pub. L. 111-203, which was approved July 21, 2010.

#### PRIOR PROVISIONS

A prior section 313 was renumbered section 312 of this title.

#### EFFECTIVE DATE

Section effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as a note under section 5301 of Title 12, Banks and Banking.

### § 314. Covered agreements

(a) **AUTHORITY.**—The Secretary and the United States Trade Representative are authorized, jointly, to negotiate and enter into covered agreements on behalf of the United States.

(b) **REQUIREMENTS FOR CONSULTATION WITH CONGRESS.**—

(1) **IN GENERAL.**—Before initiating negotiations to enter into a covered agreement under subsection (a), during such negotiations, and before entering into any such agreement, the Secretary and the United States Trade Representative shall jointly consult with the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(2) **SCOPE.**—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of section 313 and this section; and

(C) the implementation of the agreement, including the general effect of the agreement on existing State laws.

(c) **SUBMISSION AND LAYOVER PROVISIONS.**—A covered agreement under subsection (a) may enter into force with respect to the United States only if—

(1) the Secretary and the United States Trade Representative jointly submit to the congressional committees specified in subsection (b)(1), on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement; and

(2) a period of 90 calendar days beginning on the date on which the copy of the final legal text of the agreement is submitted to the congressional committees under paragraph (1) has expired.

(Added Pub. L. 111-203, title V, §502(a)(3), July 21, 2010, 124 Stat. 1588.)

#### EFFECTIVE DATE

Section effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as a note under section 5301 of Title 12, Banks and Banking.

### § 315. Continuing in office

When the term of office of an officer of the Department of the Treasury ends, the officer may continue to serve until a successor is appointed and qualified.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 880, §309; renumbered §310, Pub. L. 101-73, title III, §307(a)(1), Aug. 9, 1989, 103 Stat. 352; renumbered §311, Pub. L. 107-56, title III, §361(a)(1), Oct. 26, 2001, 115 Stat. 329; renumbered §312, Pub. L. 108-177, title I, §105(a)(1)(A), Dec. 13, 2003, 117 Stat. 2603; renumbered §315, Pub. L. 111-203, title V, §502(a)(1), July 21, 2010, 124 Stat. 1580.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
309 .....	31:1016.	Mar. 2, 1895, ch. 187 (1st par. under heading "Treasury Department"), 28 Stat. 844.

In the section, the words "When the term of office . . . ends" are substituted for "whose terms of office have expired or shall expire" for consistency and to eliminate unnecessary words. The words "may continue to serve" are substituted for "The Secretary of the Treasury is authorized and directed to pay", "and who have been performing or shall perform the duties of their respective offices after the date of such expiration", and "the salary, compensation, fees, or emoluments authorized or provided by law in each case for the respective incumbents of the offices" because of 25 Op. Atty. Gen. 636 (1906) and for consistency with other titles of the United States Code. The words "until a successor is appointed and qualified" are substituted for "before the appointment and qualification of their successors" and 31:1016 (last sentence) for consistency with other titles of the Code.

## AMENDMENTS

2010—Pub. L. 111-203 renumbered section 312 of this title as this section.

2003—Pub. L. 108-177 renumbered section 311 of this title as this section.

2001—Pub. L. 107-56 renumbered section 310 of this title as this section.

1989—Pub. L. 101-73 renumbered section 309 of this title as this section.

## EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

## SUBCHAPTER II—ADMINISTRATIVE

**§ 321. General authority of the Secretary**

(a) The Secretary of the Treasury shall—

(1) prepare plans for improving and managing receipts of the United States Government and managing the public debt;

(2) carry out services related to finances that the Secretary is required to perform;

(3) issue warrants for money drawn on the Treasury consistent with appropriations;

(4) mint coins, engrave and print currency and security documents, and refine and assay bullion, and may strike medals;

(5) prescribe regulations that the Secretary considers best calculated to promote the public convenience and security, and to protect the Government and individuals from fraud and loss, that apply to anyone who may—

(A) receive for the Government, Treasury notes, United States notes, or other Government securities; or

(B) be engaged or employed in preparing and issuing those notes or securities;

(6) collect receipts;

(7) with a view to prosecuting persons, take steps to discover fraud and attempted fraud involving receipts and decide on ways to prevent and detect fraud;

(8) maintain separate accounts of taxes received in each State, territory, and possession of the United States, and collection district, with each account listing—

(A) each kind of tax;

(B) the amount of each tax; and

(C) the money paid as pay and allowances to officers and employees of the Department collecting taxes in that State, territory, possession, or district; and

(9) advise the President on major domestic and international prudential policy issues in connection with all lines of insurance except health insurance.

(b) The Secretary may—

(1) prescribe regulations to carry out the duties and powers of the Secretary;

(2) delegate duties and powers of the Secretary to another officer or employee of the Department of the Treasury;

(3) transfer within the Department the records, property, officers, employees, and unexpended balances of appropriations, allocations, and amounts of the Department that the Secretary considers necessary to carry out a delegation made under clause (2) of this subsection;

(4) detail, in addition to details authorized under another law, not more than 6 officers and employees of the Department at any one time to enforce the laws related to the Department, except that of those 6 officers and employees not more than 4 officers and employees—

(A) paid from the appropriations for the collection of customs may be so detailed;

(B) paid from the appropriations for internal revenue may be so detailed; and

(C) paid from the appropriations for suppressing counterfeiting and other crimes may be so detailed;

(5) authorize, at rates and under conditions prescribed by the Secretary, the private use of telephone lines controlled by the Department when the use does not interfere with Department business;

(6) buy arms and ammunition required by officers and employees of the Department in carrying out their duties and powers; and

(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.

(c) Duties and powers of officers and employees of the Department are vested in the Secretary except duties and powers—

(1) vested by subchapter II of chapter 5 of title 5 in administrative law judges employed by the Secretary;

(2) of the Comptroller of the Currency; and

(3) of the Director of the Office of Thrift Supervision;<sup>1</sup>

(d)(1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for the use of the United States.

(3) The Secretary of the Treasury may invest and reinvest the fund in public debt securities with maturities suitable for the needs of the fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Income accruing from the securities, and from any other

<sup>1</sup> So in original. The semicolon probably should be a period.

property accepted under paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed on order of the Secretary of the Treasury for purposes as nearly as possible in accordance with the terms of the gifts or bequests.

(4) The Secretary of the Treasury shall, not less frequently than annually, make a public disclosure of the amount (and sources) of the gifts and bequests received under this subsection, and the purposes for which amounts in the separate fund established under this subsection are expended.

(e) CERTAIN REORGANIZATION PROHIBITED.—The Secretary of the Treasury may not merge or consolidate the Office of Thrift Supervision, or any of the functions or responsibilities of the Office or the Director of such office, with the Office of the Comptroller of the Currency or the Comptroller of the Currency.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 880; Pub. L. 98–369, div. A, title IV, § 445, July 18, 1984, 98 Stat. 816; Pub. L. 101–73, title III, § 307(b), (d), Aug. 9, 1989, 103 Stat. 353; Pub. L. 104–66, title I, § 1132(b), Dec. 21, 1995, 109 Stat. 725; Pub. L. 111–203, title III, § 378(1), title V, § 502(b), July 21, 2010, 124 Stat. 1570, 1588.)

#### AMENDMENT OF SECTION

*Pub. L. 111–203, title III, §§ 351, 378(1), July 21, 2010, 124 Stat. 1546, 1570, provided that, effective on the transfer date, this section is amended as follows:*

*(1) in subsection (c)—*

*(A) in paragraph (1), by adding “and” at the end;*

*(B) in paragraph (2), by striking “; and” and inserting a period; and*

*(C) by striking paragraph (3); and*

*(2) by striking subsection (e).*

*See Effective Date of 2010 Amendment note below.*

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
321(a)(1)–(3).	31:1002(less words between 1st and 2d semicolons and between 4th and 5th semicolons).	R.S. § 248(less words between 4th and 5th semicolons).
321(a)(4) ..	(no source).	
321(a)(5) ..	31:427.	R.S. § 251(words after “Treasury” and before “shall prescribe forms of entries”).
321(a)(6) ..	31:1002(words between 1st and 2d semicolons).	
321(a)(7) ..	31:1011.	R.S. § 376; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759.
321(a)(8) ..	31:1024.	R.S. §§ 239, 261; Feb. 18, 1875, ch. 80, § 1(3d complete par. on p. 317), 18 Stat. 317; Aug. 7, 1946, ch. 770, § 1(48), 60 Stat. 870.
321(b)(1) ..	31:127.	Oct. 9, 1940, ch. 796, § 5, 54 Stat. 1087.
	31:317f.	Dec. 18, 1942, ch. 767, § 7, 56 Stat. 1066.
	31:397.	July 23, 1965, Pub. L. 89–81, § 107, 79 Stat. 255.
	31:528(d).	R.S. § 3646(d); July 8, 1937, ch. 444, § 9, 50 Stat. 483; restated Dec. 3, 1945, ch. 515, § 1, 59 Stat. 593.
	31:564.	Nov. 21, 1941, ch. 489, § 5, 55 Stat. 778; Dec. 22, 1974, Pub. L. 93–539, § 1(a) (related to § 4), 88 Stat. 1738.
	31:1053.	Oct. 26, 1970, Pub. L. 91–508, § 204, 84 Stat. 1120.
	31:1262(a).	Oct. 20, 1972, Pub. L. 92–512, § 142(a), 86 Stat. 935.

#### HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
321(b)(2), (3).	31:1001(note).	Reorg. Plan No. 26 of 1950, eff. July 31, 1950, §§ 2, 4, 64 Stat. 1281.
321(b)(4) ..	31:1017.	June 12, 1917, ch. 27, § 1(4th par. under heading “Miscellaneous Objects, Treasury Department”), 40 Stat. 118; Mar. 4, 1921, ch. 161, § 1(1st par. under heading “Miscellaneous Objects, Treasury Department”), 41 Stat. 1374.
321(b)(5) ..	31:486.	Apr. 28, 1904, ch. 1762, § 1(proviso immediately before heading “Revenue-Cut-ter Service”), 33 Stat. 460.
321(b)(6) ..	31:1023(a).	June 1, 1955, ch. 119, § 1(a), 69 Stat. 82.
321(c) .....	31:1001(note).	Reorg. Plan No. 26 of 1950, eff. July 31, 1950, § 1(a), (b), 64 Stat. 1280.

In subsection (a)(1)–(3), the words between the 2d and 3d semicolons are omitted as superseded by section 3512 of the revised title.

In subsection (a)(1), the word “digest” is omitted as being included in “prepare”. The word “receipts” is substituted for “revenue”, and the words “managing the public debt” are substituted for “for the support of the public credit”, for consistency in the revised title.

In subsection (a)(2), the words “carry out” are substituted for “generally shall perform” for consistency in the revised title and with other titles of the United States Code. The words “that the Secretary is required” are substituted for “as he shall be directed” because of the restatement.

In subsection (a)(3), the word “issue” is substituted for “shall grant” for consistency. The words “under limitations herein established or to be provided” are omitted as unnecessary. The word “consistent” is substituted for “in pursuance of”, and the words “by law” are omitted, for consistency.

Subsection (a)(4) is included to reflect all the major duties of the Secretary of the Treasury. See chapter 51 of the revised title.

In subsection (a)(5), before subclause (A), the words “prescribe regulations” are substituted for “make and issue from time to time such instructions and regulations” for consistency in the revised title and to eliminate unnecessary words. The words “applicable to anyone” are substituted for “to the several collectors, receivers, depositaries, officers, and others” for clarity and to eliminate unnecessary words. In subclause (A), the words “for the Government” are inserted because section 8 of the Act of June 30, 1864 (ch. 172, 13 Stat. 221), from which section 251 of the Revised Statutes is derived, used the phrase “in behalf of the United States”. In subclause (B), the words “those notes and securities” are substituted for “the same” for clarity.

In subsection (a)(6), the word “collect” is substituted for “superintend the collection” because of the source provisions restated in section 321(c) of the revised title. The word “receipts” is substituted for “revenue” for consistency in the revised title.

In subsection (a)(7), the words “Secretary of the Treasury” are substituted for “General Counsel of the Department of the Treasury, under the direction of the Secretary of the Treasury” because of the source provisions restated in subsection (c) of this section. The words “with a view to prosecuting persons” are substituted for “for the prosecution of persons charged with the commission thereof” for clarity. The words “take steps to discover fraud and attempted fraud” are substituted for “take cognizance of all frauds or attempted frauds” for clarity. The words “involving receipts” are substituted for “upon the revenue” for consistency in the revised title. The words “decide on ways to prevent and detect fraud” are substituted for “exercise a general supervision over the measures for their prevention and detection” for clarity and to eliminate unnecessary words.



In subsection (a)(8), before subclause (A), the word “maintain” is substituted for “shall be kept” for consistency. The words “all moneys” and “internal” are omitted as unnecessary because of the restatement. The words “duties or” are omitted as being included in “taxes”. The word “possession” is added for consistency in the revised title and with other titles of the Code. The word “listing” is substituted for “so as to exhibit, as far as may be” for clarity and to eliminate unnecessary words. In subclause (A), the word “kind” is substituted for “species” for consistency. The words “that shall accrue” are omitted as surplus. In subclause (B), the words “each tax” are substituted for “each source of revenue” for clarity. In subclause (C), the word “pay” is substituted for “compensation” for consistency. The words “officers and employees” are substituted for “collectors and deputy collectors, inspectors, and other officers” for consistency and to eliminate unnecessary words.

Subsection (b)(1) is included as a general statement of the authority of the Secretary of the Treasury to prescribe regulations to avoid repeating each time specific authority of the Secretary to carry out certain provisions of law.

In subsection (b)(2), the words “make such provisions” in 31:1001(note) are omitted as unnecessary. The words “or by any agency” are omitted and the words “duties and powers” are substituted for “function”, for consistency in the revised title and with other titles of the Code. The words “including any function transferred to the Secretary by the provisions of this reorganization plan” are omitted as executed.

In subsection (b)(3), the word “effect” is omitted as unnecessary. The words “(available or to be made available)” are omitted as surplus. The words “delegation made under clause (2) of this subsection” are substituted for “provisions of this reorganization plan” because the only provision of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1281) that continues to have legal effect is section 2 that is restated in clause (2).

In subsection (b)(4), before subclause (A), the word “detail” is substituted for “to use for, and in connection with” to eliminate unnecessary words. The words “in addition to details authorized under another law” are substituted for 31:1017(last sentence) to eliminate unnecessary words and because subsequent laws would also provide additional authority to detail. The words “and the several branches of the public service under its control” are omitted as being included in “Department”. The words “officers and employees” are substituted for “persons” for clarity and consistency in the revised title. In subclause (B), the words “agents or from the appropriation for the foregoing purpose” are omitted as unnecessary because of the restatement.

In subsection (b)(5), the words “the proceeds thereof to be accounted for and paid into the Treasury of the United States” are omitted as unnecessary because of section 3302 of the revised title.

In subsection (b)(6), the word “buy” is substituted for “make expenditures” for consistency in the revised title and with other titles of the Code. The words “officers or employees” are substituted for “civilian employees”, and the words “in carrying out their duties and powers” are substituted for “in the performance of their official duties”, for consistency in the revised title and with other titles of the Code.

#### AMENDMENTS

2010—Subsec. (a)(9). Pub. L. 111-203, §502(b), added par. (9).

1995—Subsec. (b)(7). Pub. L. 104-66 added par. (7).

1989—Subsec. (c)(3). Pub. L. 101-73, §307(b), added par. (3).

Subsec. (e). Pub. L. 101-73, §307(d), added subsec. (e).

1984—Subsec. (d). Pub. L. 98-369 added subsec. (d).

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by section 378(1) of Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L.

111-203, set out as a note under section 906 of Title 2, The Congress.

Amendment by section 502(b) of Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

#### EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of the Treasury, see Parts 1, 2, and 15 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

#### USE OF AIRCRAFT IN EMERGENCY LAW ENFORCEMENT SUPPORT

Pub. L. 104-52, title I, §107, Nov. 19, 1995, 109 Stat. 476, provided that: “The Secretary of the Treasury is authorized in fiscal year 1996 and hereafter, to use Treasury Department aircraft, with or without reimbursement, to assist bureaus within the Department of the Treasury or other Federal agencies, Departments or offices outside of the Department of the Treasury to provide emergency law enforcement support to protect human life, property, public health, or safety.”

### § 322. Working capital fund

(a) The Department of the Treasury has a working capital fund. Amounts in the fund are available for expenses of operating and maintaining common administrative services of the Department that the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, decides may be carried out more advantageously and more economically as central services.

(b) Amounts in the fund remain available until expended. Amounts may be appropriated to the fund.

(c) The fund consists of—

(1) amounts appropriated to the fund;

(2) to the extent transferred to the fund by the Secretary, the reasonable value of supply inventories, equipment, and other assets and inventories on order for providing services out of amounts in the fund, less related liabilities and unpaid obligations;

(3) amounts received from the sale or exchange of property; and

(4) payments received for loss or damage to property of the fund.

(d) The fund shall be reimbursed, or credited with advance payments, from amounts available to the Department or from other sources, for supplies and services at rates that will equal the expenses of operation, including accrual of annual leave and the depreciation of plant and equipment. Amounts the Secretary decides are in excess of the needs of the fund shall be deposited at the end of each fiscal year in the Treasury as miscellaneous receipts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 881; Pub. L. 98-369, div. A, title IV, §442, July 18, 1984, 98 Stat. 816.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
322(a) .....	31:1033(1st sentence less words between 1st and 3d commas, 2d sentence 1st-9th words).	Dec. 31, 1970, Pub. L. 91-614, §401, 84 Stat. 1846.

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
322(b) .....	31:1033(1st sentence words between 1st and 3d commas, last sentence).	
322(c) .....	31:1033(2d sentence less 1st-9th words, 4th sentence).	
322(d) .....	31:1033(3d, 5th sentences).	

In subsection (a), the words “Amounts in the fund are available” are added because of the restatement.

In subsection (b), the words “Amounts in the fund remain available until expended” are substituted for “shall be available, without fiscal year limitation” for consistency in the revised title.

In subsection (c)(1), the words “amounts appropriated to the fund” are substituted for “any appropriations made for the purpose of providing capital” to eliminate unnecessary words. In clause (2), the word “reasonable” is substituted for “fair and reasonable” because it is inclusive.

In subsection (d), the words “other Federal agencies” are omitted because they are included in “other sources”.

## AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369 struck out provision placing a \$1,000,000 limitation on fund.

## DEPARTMENT OF THE TREASURY FRANCHISE FUND

Pub. L. 104-208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009-314, 3009-316, as amended by Pub. L. 106-554, §1(a)(3) [title I, §120], Dec. 21, 2000, 114 Stat. 2763, 2763A-135; Pub. L. 108-7, div. J, title I, §123, Feb. 20, 2003, 117 Stat. 439; Pub. L. 108-447, div. H, title II, §219, Dec. 8, 2004, 118 Stat. 3242, provided in part that: “Hereafter There [sic] is established in the Treasury a franchise fund to be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such financial and administrative support services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital, shall be used to capitalize such fund: *Provided further*, That such fund shall be reimbursed or credited with the payments, including advanced payments, from applicable appropriations and funds available to the Department and other Federal agencies for which such administrative and financial services are performed, at rates which will recover all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automatic Data Processing (ADP) software and systems, and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Treasury financial management, ADP, and other support systems: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury.”

[Amendments by Pub. L. 108-447 to Pub. L. 104-208, §101(f) [title I], set out above, were executed to reflect the probable intent of Congress, notwithstanding errors in the directory language.]

## § 323. Investment of operating cash

(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

(2) obligations of the United States Government; and

(3) repurchase agreements with parties acceptable to the Secretary.

(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

(2) For purposes of paragraph (1), the term “appropriate committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 882; Pub. L. 110-351, title V, §502, Oct. 7, 2008, 122 Stat. 3980.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
323(a) .....	31:1038(1st sentence less 1st, 2d provisions).	Oct. 28, 1977, Pub. L. 95-147, §1, 91 Stat. 1227.
323(b) .....	31:1038(1st, 2d provisions).	
323(c) .....	31:1038(last sentence).	

In subsection (a), before clause (1), the words “To manage United States cash” are substituted for “for cash management purposes” for clarity. In clause (1), the words “as security for tax and loan accounts” are omitted as unnecessary. In clause (2), the words “agencies of the United States” are omitted as being included in “the Government”.

In subsection (c), the words “Investments in obligations of depositories maintaining such accounts” and “rates of interest” (the 2d time they appear) are omitted as unnecessary because of the restatement.

## AMENDMENTS

2008—Pub. L. 110-351 amended section generally. Prior to amendment, section related to investment of operating cash.

## § 324. Disposing and extending the maturity of obligations

(a) The Secretary of the Treasury may—

(1) dispose of obligations—

(A) acquired by the Secretary for the United States Government; or

(B) delivered by an executive agency; and

(2) make arrangements to extend the maturity of those obligations.

(b) The Secretary may dispose or extend the maturity of obligations under subsection (a) of this section in the way, in amounts, at prices (for cash, obligations, property, or a combination of cash, obligations, or property), and on conditions the Secretary considers advisable and in the public interest.

(c) The authority under this section is in addition to authority under another law.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 882; Pub. L. 98-369, div. A, title IV, §444, July 18, 1984, 98 Stat. 816.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
324(a) .....	31:741a(a)(1st sentence words before 9th comma).	Apr. 3, 1945, ch. 51, § 5, 59 Stat. 48.
324(b) .....	31:741a(a)(1st sentence words after 9th comma, last sentence).	
324(c) .....	31:741a(b).	

In the section, the words “sell, exchange” are omitted as being included in “dispose”. The word “obligations” is substituted for “bonds, notes, or other securities” for consistency in the revised title. The words “under judicial process or otherwise” are omitted as unnecessary.

In subsection (a), before clause (1), the words “Notwithstanding the provisions of section 302 of title 40” are omitted as unnecessary and because section 302 was repealed by section 1(95) of the Act of October 31, 1951 (ch. 654, 65 Stat. 705). In clause (2), the words “those obligations” are substituted for “thereof” for clarity.

In subsection (b), the words “The Secretary may dispose or extend the maturity of obligations under subsection (a) of this section” are added for clarity and because of the restatement. The words “combination of cash, obligations, or property” are substituted for “or any combination thereof” for clarity. The words “terms and conditions” are omitted as being included in “on conditions”. The words “under the authority of this section” are omitted as unnecessary because of the restatement.

Subsection (c) is substituted for 31:741a(b) to eliminate unnecessary words and for consistency in the revised title.

#### AMENDMENTS

1984—Subsec. (b). Pub. L. 98-369 struck out provision that the Secretary could not dispose of obligations of one issuer, held by the Secretary at one time, having on the date of disposal a total face or par value of more than \$1,000,000 or, if no-par obligations, a stated or book value of more than \$1,000,000.

#### § 325. International affairs authorization

(a) Under regulations prescribed by the Secretary of the Treasury, the Secretary may provide officers and employees of the Department of the Treasury carrying out international affairs duties and powers of the Department with allowances and benefits comparable to those provided under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.).

(b) The following amounts may be appropriated to the Secretary for the fiscal year ending September 30, 1982:

(1) not more than \$22,896,000 to carry out the international affairs duties and powers of the Department (including amounts for official functions and reception and representation expenses).

(2) not more than \$1,000,000 for increases in—

(A) pay, under section 5382(c) and subchapter I of chapter 53 of title 5 (except section 5305, or corresponding prior provision of such title), of officers and employees carrying out the duties and powers referred to in clause (1) of this subsection;

(B) departmental contributions attributable to those pay increases; and

(C) allowances and benefits, because of cost of living increases, provided under subsection (a) of this section.

(c) Necessary amounts may be appropriated to the Secretary for each fiscal year beginning after September 30, 1982—

(1) to carry out the international affairs duties and powers of the Department (including amounts for official functions and reception and representation expenses);

(2) for increases in—

(A) pay, under section 5382(c) and subchapter I of chapter 53 of title 5 (except section 5303), of officers and employees carrying out the duties and powers referred to in clause (1) of this subsection;

(B) departmental contributions attributable to those pay increases; and

(C) allowances and benefits, because of cost of living increases, provided under subsection (a) of this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 882; Pub. L. 101-509, title V, §529 [title I, §101(b)(3)(D)], Nov. 5, 1990, 104 Stat. 1427, 1439.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
325(a) .....	31:822a(d).	Jan. 30, 1934, ch. 6, 48 Stat. 337, §10(d); added Nov. 8, 1978, Pub. L. 95-612, §2, 92 Stat. 3091; Oct. 17, 1980, Pub. L. 96-465, §2206(f), 94 Stat. 2163.
325(b), (c)	(unclassified).	Nov. 8, 1978, Pub. L. 95-612, §5, 92 Stat. 3092; Aug. 8, 1979, Pub. L. 96-47, 93 Stat. 344; Aug. 13, 1981, Pub. L. 97-35, §382(a), 95 Stat. 432.

In the section, the words “international affairs duties and powers” are substituted for “international affairs functions” for consistency in the revised title and with other titles of the United States Code. The words “officers and employees” are substituted for “personnel” and “employees” as being more precise.

In subsection (b), before clause (1), the words “fiscal year ending September 30, 1982” are substituted for “fiscal year 1982” for consistency in the revised title and with other titles of the Code. In clause (2), the word “pay” is substituted for “salaries” for consistency in the revised title and with other titles of the Code. The word “departmental” is substituted for “agency” because of the source provisions restated in section 321 of the revised title. The words “those pay increases” are substituted for “thereto” for clarity.

Subsection (c) is substituted for the words “and such sums as may be necessary for each fiscal year thereafter” both times they appear.

#### AMENDMENTS

1990—Subsec. (b)(2)(A). Pub. L. 101-509 substituted “(except section 5305, or corresponding prior provision of such title)” for “(except section 5303)”.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than

90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

**STUDY ON ROLE OF GOLD IN DOMESTIC AND INTERNATIONAL MONETARY SYSTEMS; ESTABLISHMENT OF COMMISSION; REPORT TO CONGRESS; AVAILABILITY OF APPROPRIATIONS**

Pub. L. 96-389, §10, Oct. 7, 1980, 94 Stat. 1555, as amended Pub. L. 97-47, §2, Sept. 30, 1981, 95 Stat. 954, provided that the Secretary of the Treasury establish and chair a commission consisting of three members of the Board of Governors of the Federal Reserve System, two members of the Council of Economic Advisors, and four private citizens with business, finance, or academic backgrounds, to be designated by the Secretary, and one majority and one minority member each from the Joint Economic Committee, the Senate Committee on Banking, Housing, and Urban Affairs, and the House Committee on Banking, Finance and Urban Affairs to be designated by the Speaker of the House and the President of the Senate, respectively. The commission was to conduct a study to assess and make recommendations with regard to the policy of the United States Government concerning the role of gold in domestic and international monetary systems, and transmit to Congress a report containing its findings and recommendations not later than March 31, 1982. Sums appropriated pursuant to section 5 of Public Law 95-612 [Pub. L. 95-612, §5, Nov. 8, 1978, 92 Stat. 3092, which was not classified to the Code] were made available to the commission to carry out its functions.

**§ 326. Availability of appropriations for certain expenses**

(a) Under regulations prescribed by the Secretary of the Treasury, an appropriation for the Department of the Treasury available to pay travel expenses also is available to pay expenses to attend meetings of organizations related to the function or activity for which the appropriation is made.

(b) The Secretary may approve reimbursement to agents on protective missions for subsistence expenses authorized by law without regard to rates and amounts established under section 5702 of title 5.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 883; Pub. L. 99-234, title I, §107(e), Jan. 2, 1986, 99 Stat. 1759.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
326(a) .....	31:1031.	June 1, 1955, ch. 113, §102, 69 Stat. 76.
326(b) .....	31:1032.	Sept. 29, 1969, Pub. L. 91-74, §102(1st par.), 83 Stat. 118.

In subsection (a), the words “On and after June 1, 1955,” are omitted as executed.

In subsection (b), the words “On and after September 29, 1969,” are omitted as executed.

**AMENDMENTS**

1986—Subsec. (b). Pub. L. 99-234 substituted “rates and amounts” for “rates”.

**EFFECTIVE DATE OF 1986 AMENDMENT**

Amendment by Pub. L. 99-234 effective (1) on the effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

**§ 327. Advancements and reimbursements for services**

(a) In this section, “service” includes service provided in—

- (1) disbursing and receiving amounts.
- (2) servicing bonds.
- (3) making accounts.
- (4) maintaining bank accounts.

(b) When the Secretary of the Treasury provides a service for an agency (except the Department of the Treasury) for which amounts have not been appropriated to the Department, the agency may advance for credit or reimburse the Department the amounts necessary to provide the service. Notwithstanding section 3302 of this title, amounts advanced or reimbursed may be credited to the appropriation of the Department that is current when the service is provided.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 883.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
327(a) .....	31:157(c)(2).	Aug. 14, 1950, ch. 705, 64 Stat. 440.
327(b) .....	31:157(a)-(c)(1).	

In the section, the word “amounts” is substituted for “funds” for consistency in the revised title and with other titles of the United States Code.

In subsection (a), the words “shall not be limited to” are omitted as surplus. The words “disbursing and receiving” are substituted for “collection and disbursement”, the word “making” is substituted for “rendition of”, and the word “maintaining” is substituted for “keeping”, for consistency in the revised title. The word “checking” is omitted as being included in “bank”.

In subsection (b), the words “When the Secretary of the Treasury provides a service” are substituted for “When any service authorized by law and directed by the Secretary of the Treasury is performed or to be performed” to eliminate unnecessary words. The words “by the Fiscal Service or the Office of the Treasurer of the United States of the Department of the Treasury” are omitted because of the source provisions restated in section 321 of the revised title. The words “agency (except the Department of the Treasury)” are substituted for 31:157(c)(1) for consistency in the revised title and with other titles of the Code. The word “reimburse” is substituted for “pay”, and the words “advanced or reimbursed” are substituted for “transferred”, for clarity and because of the restatement.

**§ 328. Accounts and payments of former disbursing officials**

(a) If a chief disbursing official or a director of a disbursing center of the Department of the Treasury dies, resigns, or leaves office, the deputy chief disbursing official or the deputy director of the disbursing center designated by the Secretary of the Treasury may continue the accounts and payments in the name of the former disbursing official or director through the last day of the 2d month after the month in which the death, resignation, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary shall honor checks signed in the name of the former disbursing official or director in the same way as if the former disbursing official or director had continued in office.

(b) Only the deputy chief or deputy director designated under subsection (a) of this section is

liable for actions taken in the name of the former disbursing official under subsection (a).

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 883.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
328(a) .....	31:1014(1st, 2d sentences).	Dec. 24, 1942, ch. 821, 56 Stat. 1086; restated Aug. 1, 1947, ch. 438, 61 Stat. 717; June 6, 1972, Pub. L. 92-310, § 231(dd), 86 Stat. 213.
328(b) .....	31:1014(last sentence).	

In subsection (a), the words “director of a disbursing center” are substituted for “any regional disbursing officer of the Fiscal Service, Treasury Department” to reflect the title of the position now presently authorized. The words “dies, resigns, or leaves office” are substituted for “In case of the death or of the resignation or separation from office” for consistency with other titles of the United States Code. The words “designated by an official of the Treasury Department authorized by the Secretary of the Treasury to make such designation” are omitted as unnecessary because of the source provisions restated in section 321 of the revised title. The word “through” is substituted for “for a period of time not to extend beyond” to eliminate unnecessary words. The words “as provided by law” are substituted for “in the General Accounting Office”, for consistency with other titles of the Code. The word “Secretary” is substituted for “Treasurer of the United States” because of the source provisions restated in section 321 of the revised title.

Subsection (b) is substituted for 31:1014(last sentence) for clarity and to eliminate unnecessary words.

#### § 329. Limitations on outside activities

(a)(1) The Secretary of the Treasury and the Treasurer may not—

(A) be involved in trade or commerce;

(B) own any part of a vessel (except a pleasure vessel);

(C) buy or hold as a beneficiary in trust public property;

(D) be involved in buying or disposing of obligations of a State or the United States Government; and

(E) personally take or use a benefit gained from conducting business of the Department of the Treasury except as authorized by law.

(2) An officer violating this subsection shall be fined \$3,000, removed from office, and thereafter may not hold an office of the Government.

(3) An individual (except prosecutors) giving information leading to the prosecution and conviction of an individual violating this subsection shall receive \$1,500 of the fine when paid.

(b)(1) An officer or employee of the Department (except the Secretary or Treasurer) may not—

(A) carry on a trade or business in the funds, debts, or property of a State or the Government; and

(B) personally use a benefit gained from conducting business of the Department.

(2) An officer or employee violating this subsection shall be fined \$500 and removed from office.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 884.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
329(a) .....	31:163, 1003.	R.S. § 243.
329(b) .....	31:1018.	R.S. § 244.

In subsection (a)(1), before clause (A), the words “The Secretary of the Treasury and the Treasurer may not” are substituted for “No person appointed to the office of Secretary of the Treasury, or Treasurer, shall” because of the restatement and for consistency in the revised title. The words “or First Comptroller” (subsequently redesignated as the Comptroller of the Treasury by section 4 of the Act of July 31, 1894 (ch. 174, 28 Stat. 205)) and “or First Auditor” in section 243 of the Revised Statutes are omitted because the positions were abolished by sections 301 and 310 of the Act of June 10, 1921 (ch. 18, 42 Stat. 23, 25). The text of 31:163 is omitted because the position of Register was abolished by section 1(a) of Reorganization Plan No. 3 of 1940 (eff. June 30, 1940, 54 Stat. 1231). In clause (A), the words “directly or indirectly” are omitted as unnecessary. The words “be involved” are substituted for “be concerned or interested in carrying on the business of” to eliminate unnecessary words. In clause (B), the words “any part of a” are substituted for “in whole or in part” for consistency. The words “(except a pleasure vessel)” are added for consistency with 19:1599. In clause (C), the words “buy or hold as beneficiary in trust” are substituted for “purchase by himself, or another in trust for him” for clarity and consistency. The words “public land” are omitted as being included in “public property”. In clause (D), the words “involved in buying or disposing of obligations” are substituted for “be concerned in the purchase or disposal of any public securities” to eliminate unnecessary words and for consistency in the revised title. In clause (E), the words “personally take or use a benefit gained from conducting business of the Department of the Treasury” are substituted for “take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department” to eliminate unnecessary words.

In subsection (a)(2), the words “an officer” are substituted for “every person” as being more precise. The word “violating” is substituted for “who offends against any of the prohibitions of this section” for clarity and to eliminate unnecessary words. The words “shall be deemed guilty of a high misdemeanor” are omitted because of 18:1. The word “fined” is substituted for “forfeit to the United States the penalty” for consistency and to eliminate unnecessary words. The words “and shall upon conviction be” are omitted as unnecessary.

In subsection (a)(3), the words “giving information leading to the prosecution and conviction of an individual violating this subsection” are substituted for “shall give information of any such offense, upon which a prosecution and conviction shall be had” for clarity. The words “shall receive \$1,500 of the fine when paid” are substituted for “one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information” to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the words “An officer or employee of the Department (except the Secretary or Treasurer)” are substituted for “Every clerk employed in the Treasury Department” because of the restatement and for consistency with subsection (a) of the section. In clause (A), the words “in any kind of public” are omitted as unnecessary. In clause (B), the words “personally use a benefit gained” are substituted for “who takes or applies to his own use any emolument or gain” to eliminate unnecessary words. The word “conducting” is substituted for “negotiating or transacting” for consistency. The words “shall be deemed guilty of a misdemeanor” are omitted because of 18:1.

In subsection (b)(2), the words “An officer or employee violating this subsection” are added because of

the restatement. The word “punished” is omitted as unnecessary.

### § 330. Practice before the Department

(a) Subject to section 500 of title 5, the Secretary of the Treasury may—

(1) regulate the practice of representatives of persons before the Department of the Treasury; and

(2) before admitting a representative to practice, require that the representative demonstrate—

(A) good character;

(B) good reputation;

(C) necessary qualifications to enable the representative to provide to persons valuable service; and

(D) competency to advise and assist persons in presenting their cases.

(b) After notice and opportunity for a proceeding, the Secretary may suspend or disbar from practice before the Department, or censure, a representative who—

(1) is incompetent;

(2) is disreputable;

(3) violates regulations prescribed under this section; or

(4) with intent to defraud, willfully and knowingly misleads or threatens the person being represented or a prospective person to be represented.

The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.

(c) After notice and opportunity for a hearing to any appraiser, the Secretary may—

(1) provide that appraisals by such appraiser shall not have any probative effect in any administrative proceeding before the Department of the Treasury or the Internal Revenue Service, and

(2) bar such appraiser from presenting evidence or testimony in any such proceeding.

(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 884; Pub. L. 98-369, div. A, title I, § 156(a), July 18, 1984, 98 Stat. 695; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 108-357, title VIII, § 822(a)(1), (b), Oct. 22, 2004, 118 Stat. 1586, 1587; Pub. L. 109-280, title XII, § 1219(d), Aug. 17, 2006, 120 Stat. 1085.)

### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
330(a) .....	31:1026(1st sentence).	July 7, 1884, ch. 334, § 3(proviso and sentence immediately after proviso under heading “War Department”), 23 Stat. 258.
330(b) .....	31:1026(last sentence).	

In the section, the words “representatives of persons” are substituted for “agents, attorneys, or other persons representing claimants before his department” to eliminate unnecessary words.

In subsection (a), before clause (1), the words “Subject to section 500 of title 5” are added for clarity and to conform to title 5. In clause (1), the word “regulate” is substituted for “prescribe rules and regulations” to eliminate unnecessary words. The words “the practice” are substituted for “before being recognized” for consistency with other revised titles of the United States Code. In clause (2)(C), the words “possessed of the” are omitted because of the restatement.

In subsection (b), the word “proceeding” is substituted for “hearing” because of subchapter II of chapter 5 of title 5. In clause (3), the words “violates regulations prescribed under this section” are substituted for “who refuses to comply with said rules and regulations” to eliminate unnecessary words. In clause (4), the words “in any manner” are omitted as surplus. The word “deceive” is omitted as being included in the word “mislead”. The words “by word, circular, letter, or by advertisement” are omitted as unnecessary.

### AMENDMENTS

2006—Subsec. (c). Pub. L. 109-280 struck out “with respect to whom a penalty has been assessed under section 6701(a) of the Internal Revenue Code of 1986” after “any appraiser” in introductory provisions.

2004—Subsec. (b). Pub. L. 108-357, § 822(a)(1), inserted “, or censure,” after “Department” in introductory provisions and inserted at end “The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.”

Subsec. (d). Pub. L. 108-357, § 822(b), added subsec. (d). 1986—Subsec. (c). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1984—Subsec. (c). Pub. L. 98-369 added subsec. (c).

### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-280 applicable to appraisals prepared with respect to returns or submissions filed after Aug. 17, 2006, see section 1219(e)(2) of Pub. L. 109-280, set out as a note under section 170 of Title 26, Internal Revenue Code.

### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-357, title VIII, § 822(a)(2), Oct. 22, 2004, 118 Stat. 1587, provided that: “The amendments made by this subsection [amending this section] shall apply to actions taken after the date of the enactment of this Act [Oct. 22, 2004].”

### EFFECTIVE DATE OF 1984 AMENDMENT

Section 156(b) of Pub. L. 98-369 provided that: “The amendment made by subsection (a) [amending this section] shall apply to penalties assessed after the date of the enactment of this Act [July 18, 1984].”

**§ 331. Reports**

(a) The Secretary of the Treasury shall submit to Congress each year an annual report. The report shall include—

(1) a statement of the public receipts and public expenditures for the prior fiscal year;

(2) estimates of public receipts and public expenditures for the current and next fiscal years;

(3) plans for improving and increasing public receipts to provide Congress with information on ways to raise amounts necessary to meet public expenditures;

(4) a statement of all contracts for supplies or services made by the Secretary during the prior fiscal year;

(5) a statement of appropriations expended to pay for miscellaneous claims not otherwise provided for;

(6) a statement on all payments made from the fund under section 3126 of this title for the prior fiscal year; and

(7) estimates of amounts for payment under section 1322(b) of this title.

(b)(1) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on—

(A) the total and individual amounts of contingent liabilities and unfunded liabilities of the United States Government;

(B) as far as practicable, trust fund liabilities, liabilities of Government corporations, indirect liabilities not included as a part of the public debt, and liabilities of insurance and annuity programs (including their actuarial status);

(C) collateral pledged and assets available (or to be realized) as security for the liabilities (separately noting Government obligations) and other assets specifically available to liquidate the liabilities of the Government; and

(D) the total amount in each category under clauses (A)–(C) of this paragraph for each agency.

(2) The report shall present the information required under paragraph (1) of this subsection in a concise way, with explanatory material (including an analysis of the significance of liabilities based on past experience and probable risk) the Secretary considers desirable.

(c) On the first day of each regular session of Congress, the Secretary shall submit to Congress a report for the prior fiscal year on the total amount of public receipts and public expenditures listing receipts, when practicable, by ports, districts, and States and the expenditures by each appropriation.

(d) The Secretary shall report to either House of Congress in person or in writing, as required, on matters referred to the Secretary by that House of Congress.

(e)(1) Not later than March 31 of 1998 and each year thereafter, the Secretary of the Treasury, in coordination with the Director of the Office of Management and Budget, shall annually prepare and submit to the President and the Congress an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of the executive branch of the United States Government. The financial state-

ment shall reflect the overall financial position, including assets and liabilities, and results of operations of the executive branch of the United States Government, and shall be prepared in accordance with the form and content requirements set forth by the Director of the Office of Management and Budget.

(2) The Comptroller General of the United States shall audit the financial statement required by this section.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 884; Pub. L. 103-356, title IV, § 405(c), Oct. 13, 1994, 108 Stat. 3416.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
331(a)(1)–(5).	31:1027. 31:1030.	R.S. § 257. Feb. 26, 1907, ch. 1635, § 1(2d par. under heading “Treasury Department”), 34 Stat. 949.
331(a)(6) ..	31:757c(i)(last sentence).	Sept. 24, 1917, ch. 56, 40 Stat. 288, § 22(i)(last sentence); added Apr. 11, 1943, ch. 52, § 3, 57 Stat. 63; restated Apr. 3, 1945, ch. 51, § 3, 59 Stat. 48.
331(a)(7) ..	31:725p(a)(last sentence).	June 26, 1934, ch. 756, §§ 17(a)(last sentence), 18(a)(last sentence), 48 Stat. 1230, 1231.
331(b) .....	31:725q(a)(last sentence). 31:757f.	Nov. 13, 1966, Pub. L. 89-809, § 402, 80 Stat. 1590; Apr. 21, 1976, Pub. L. 94-273, § 2(17), 90 Stat. 375.
331(c) .....	31:1029.	July 31, 1894, ch. 174, § 15, 28 Stat. 210.
331(d) .....	31:1002(words between 4th and 5th semicolons)	R.S. § 248(words between 4th and 5th semicolons).

In subsections (a) and (c), the word “receipts” is substituted for “revenues” for consistency in the section and the revised title.

In subsection (a)(1), the words “public receipts and public expenditures” are substituted for “receipts and expenditures of the Government” in 31:1030 for consistency in the section. The word “completed” is omitted as surplus. In clause (2), the words “First. A report on the subject of finance” in 31:1027 are omitted because of the restatement. The word “containing” is omitted as surplus. In clause (4), the words “Second. A report containing” are omitted because of the restatement. The words “prior fiscal year” are substituted for “during the year preceding” for consistency. In clause (5), the words “paid at the Treasury” are omitted as unnecessary. The 3d paragraph of section 257 of the Revised Statutes, providing for a report on rules and regulations of the Secretary of the Treasury on imported goods, wares, and merchandise, is omitted as obsolete because section 252 of the Revised Statutes, authorizing those rules and regulations, was repealed by the Act of February 27, 1877 (ch. 69, 19 Stat. 241). The 4th paragraph of section 257, providing for a report on amounts of hospital taxes collected from sick and disabled seamen, is omitted as obsolete because section 15 of the Act of June 26, 1884 (ch. 121, 23 Stat. 57), repealed the tax. In clause (7), the words “the Commissioners of the District of Columbia” (subsequently changed to “the Mayor of the District of Columbia” by section 422 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93-198, 87 Stat. 790)) in 31:725p are omitted as unnecessary because of § 448 of the District of Columbia Self-Government and Governmental Reorganization Act. The text of 31:725q(proviso) is omitted because of the restatement.

In subsection (b)(1), before clause (A), the words “for the prior fiscal year” are substituted for “as of the close of the preceding September 30 (beginning with the report as of June 30, 1967)” to eliminate unnecessary

words. In clause (C), the word “obligations” is substituted for “securities” for consistency in the revised title. Clause (D) is substituted for “and of each department, agency, and instrumentality thereof” for clarity.

In subsection (c), the words “a report for the prior fiscal year on the total amount of public receipts and public expenditures” are substituted for “an accurate combined statement of the receipts and expenditures during the last preceding fiscal year of all public moneys” because of the restatement. The words “including those of the United States Postal Service” are omitted as unnecessary and superseded by 39:410.

In subsection (d), the words “either House of Congress” are substituted for “either branch of the legislature” for clarity and consistency. The words “that House of Congress” are substituted for “the Senate or House of Representatives” for consistency and because of the restatement. The words “or which appertain to his office” are omitted as unnecessary because of subsections (a)–(c) of the section.

#### AMENDMENTS

1994—Subsec. (e). Pub. L. 103–356 added subsec. (e).

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which certain reporting requirements under subsecs. (a), (b)(1)(A), and (c) of this section are listed on pages 140 and 142), see section 3003 of Pub. L. 104–66, as amended, and section 1(a)(4) [div. A, §1402(1)] of Pub. L. 106–554, set out as notes under section 1113 of this title.

### § 332. Miscellaneous administrative authority

The Secretary of the Treasury may to the extent provided in advance by appropriation Acts—

(1) contract for the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the per diem equivalent to the rate for GS–18;

(2) contract with and reimburse the Department of State for health and medical services for employees of the Department of the Treasury and their dependents serving in foreign countries;

(3) provide for official functions, and reception and representation activities;

(4) maintain, repair, and clean uniforms furnished by the Department of the Treasury to uniformed employees;

(5) provide athletic and related activities for students at the Federal Law Enforcement Training Center, Glynco, Georgia;

(6) install and maintain fencing, lighting, guard booths, and other facilities as necessary for the performance of protective functions of the Department of the Treasury on property not owned by or under jurisdiction and control of the United States Government and, subsequently, to remove the facilities therefrom;

(7) enter into reciprocal assistance agreements with State and local law enforcement agencies and, in connection with the agreements and otherwise, train employees of those agencies, when necessary, with or without reimbursement;

(8) provide laboratory assistance to State and local law enforcement agencies, with or without reimbursement;

(9) obtain insurance for official motor vehicles operated in foreign countries; and

(10)(A) when necessary for the performance of official business—

(i) acquire in foreign countries real property by lease for periods not greater than 10 years and personal property for use in foreign countries by purchase, lease, or otherwise, and

(ii) manage, maintain, repair, improve, and insure by purchase of commercial insurance policies properties referred to in clause (i), and

(B) when appropriate, dispose of (by sale, rent, transfer, or otherwise) properties referred to in subparagraph (A)(i).

(Added Pub. L. 98–302, §3(a), May 25, 1984, 98 Stat. 217.)

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

### § 333. Prohibition of misuse of Department of the Treasury names, symbols, etc.

(a) GENERAL RULE.—No person may use, in connection with, or as a part of, any advertisement, solicitation, business activity, or product, whether alone or with other words, letters, symbols, or emblems—

(1) the words “Department of the Treasury”, or the name of any service, bureau, office, or other subdivision of the Department of the Treasury,

(2) the titles “Secretary of the Treasury” or “Treasurer of the United States” or the title of any other officer or employee of the Department of the Treasury,

(3) the abbreviations or initials of any entity referred to in paragraph (1),

(4) the words “United States Savings Bond” or the name of any other obligation issued by the Department of the Treasury,

(5) any symbol or emblem of an entity referred to in paragraph (1) (including the design of any envelope or stationary used by such an entity), and

(6) any colorable imitation of any such words, titles, abbreviations, initials, symbols, or emblems,

in a manner which could reasonably be interpreted or construed as conveying the false impression that such advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the Department of the Treas-



ury or any entity referred to in paragraph (1) or any officer or employee thereof.

(b) **TREATMENT OF DISCLAIMERS.**—Any determination of whether a person has violated the provisions of subsection (a) shall be made without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.

(c) **CIVIL PENALTY.**—

(1) **IN GENERAL.**—The Secretary of the Treasury may impose a civil penalty on any person who violates the provisions of subsection (a).

(2) **AMOUNT OF PENALTY.**—The amount of the civil penalty imposed by paragraph (1) shall not exceed \$5,000 for each use of any material in violation of subsection (a). If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting “\$25,000” for “\$5,000”.

(3) **TIME LIMITATIONS.**—

(A) **ASSESSMENTS.**—The Secretary of the Treasury may assess any civil penalty under paragraph (1) at any time before the end of the 3-year period beginning on the date of the violation with respect to which such penalty is imposed.

(B) **CIVIL ACTION.**—The Secretary of the Treasury may commence a civil action to recover any penalty imposed under this subsection at any time before the end of the 2-year period beginning on the date on which such penalty was assessed.

(4) **COORDINATION WITH SUBSECTION (d).**—No penalty may be assessed under this subsection with respect to any violation after a criminal proceeding with respect to such violation has been commenced under subsection (d).

(d) **CRIMINAL PENALTY.**—

(1) **IN GENERAL.**—If any person knowingly violates subsection (a), such person shall, upon conviction thereof, be fined not more than \$10,000 for each such use or imprisoned not more than 1 year, or both. If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting “\$50,000” for “\$10,000”.

(2) **TIME LIMITATIONS.**—No person may be prosecuted, tried, or punished under paragraph (1) for any violation of subsection (a) unless the indictment is found or the information instituted during the 3-year period beginning on the date of the violation.

(3) **COORDINATION WITH SUBSECTION (c).**—No criminal proceeding may be commenced under this subsection with respect to any violation if a civil penalty has previously been assessed under subsection (c) with respect to such violation.

(Added Pub. L. 103-296, title III, §312(l)(1), Aug. 15, 1994, 108 Stat. 1528.)

#### EFFECTIVE DATE

Section 312(m) of Pub. L. 103-296 provided that:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section [enacting this section and amending section 1320b-10 of Title 42, The Public Health and Welfare] shall apply with respect to violations occurring after March 31, 1995.

“(2) **PROHIBITION OF MISUSE OF DEPARTMENT OF THE TREASURY NAMES, SYMBOLS, ETC.**—Subsection (l)(3) [enacting provisions set out below] shall take effect on the

date of the enactment of this Act [Aug. 15, 1994], and the amendments made by paragraphs (1) and (2) of subsection (l) [enacting this section] shall apply with respect to violations occurring after such date.”

#### REPORT ON IMPLEMENTATION OF SECTION

Section 312(l)(3) of Pub. L. 103-296 provided that: “Not later than May 1, 1996, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the implementation of the amendments made by this section [enacting this section and amending section 1320b-10 of Title 42, The Public Health and Welfare]. Such report shall include the number of cases in which the Secretary has notified persons of violations of section 333 of title 31, United States Code (as added by subsection (a)(l)(1)), the number of prosecutions commenced under such section, and the total amount of the penalties collected in such prosecutions.”

## CHAPTER 5—OFFICE OF MANAGEMENT AND BUDGET

### SUBCHAPTER I—ORGANIZATION

Sec.	
501.	Office of Management and Budget.
502.	Officers.
503.	Functions of Deputy Director for Management.
504.	Office of Federal Financial Management.
505.	Office of Information and Regulatory Affairs.
506.	Office of Federal Procurement Policy.
507.	Office of Electronic Government.

### SUBCHAPTER II—ADMINISTRATIVE

521.	Employees.
522.	Necessary expenditures.

#### AMENDMENTS

2002—Pub. L. 107-347, title I, §102(c)(2), Dec. 17, 2002, 116 Stat. 2910, added item 507.

1990—Pub. L. 101-576, title II, §203(c), Nov. 15, 1990, 104 Stat. 2841, added items 503 and 504 and redesignated former items 503 and 504 as 505 and 506, respectively.

1983—Pub. L. 97-452, §1(l)(B), Jan. 12, 1983, 96 Stat. 2467, added item 504.

### SUBCHAPTER I—ORGANIZATION

#### § 501. Office of Management and Budget

The Office of Management and Budget is an office in the Executive Office of the President.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 886.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
501 .....	31:16(1st sentence).	June 10, 1921, ch. 18, §207(1st sentence), 42 Stat. 22; Reorg. Plan No. 1 of 1939, eff. July 1, 1939, §1, 53 Stat. 1423; Reorg. Plan No. 2 of 1970, eff. July 1, 1970, §102(a), 84 Stat. 2085; re-stated Mar. 2, 1974, Pub. L. 93-250, §1, 88 Stat. 11.

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-576, title I, §101, Nov. 15, 1990, 104 Stat. 2838, provided that: “This Act [enacting sections 503, 504, 901 to 903, and 3515 of this title, amending sections 502, 1105, 3512, 3521, 9105, and 9106 of this title, sections 5313 to 5315 of Title 5, Government Organization and Employees, and section 3533 of Title 42, The Public Health and Welfare, renumbering sections 503 and 504 of this title as 505 and 506 of this title, respectively, enacting provisions set out as notes under this section and